

FEDERAL REGISTER

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Washington, Wednesday, April 22, 1942

The President

EXECUTIVE ORDER 9140

ESTABLISHING THE SAFFORD NATIONAL WILDLIFE REFUGE

ARIZONA

WHEREAS certain hereinafter-described lands in the State of Arizona, together with the improvements thereon, have been acquired by the United States in connection with the Safford Arizona Nursery of the Department of Agriculture under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), and Sections 1 to 6, inclusive, of the Soil Conservation and Domestic Allotment Act, approved April 27, 1935 (49 Stat. 163); and

WHEREAS the Secretary of Agriculture has recommended that jurisdiction over such lands be transferred to the Department of the Interior and that such lands be reserved as a refuge and breeding ground for native birds and other wildlife:

NOW, THEREFORE, by virtue of the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525) and as President of the United States, it is ordered that, subject to valid existing rights, jurisdiction over the acquired lands, together with improvements thereon within the following-described area, comprising 240 acres, more or less, in Graham County, Arizona, be, and it is hereby, transferred to the Department of the Interior, together with such equipment in use in connection with said lands as may be designated by the Secretary of Agriculture; and the said lands are hereby reserved as a refuge and breeding ground for native birds and other wildlife:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 24 E.,
 sec. 13, SW $\frac{1}{4}$
 sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$.

This reservation shall be known as the Safford National Wildlife Refuge.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
April 20, 1942.

[F. R. Doc. 42-3502; Filed, April 20, 1942;
3:04 p. m.]

EXECUTIVE ORDER 9141

[POSSESSION AND OPERATION OF PLANTS OF
BREWSTER AERONAUTICAL CORPORATION]

WHEREAS, Brewster Aeronautical Corporation has entered into contracts for the construction and manufacture of essential war materials and such war materials have been in the course of manufacture at the plants of said Company; and

WHEREAS, it is deemed essential that such plants be taken over for use or operation by the United States of America in order that they be effectively operated:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, pursuant to the powers vested in me by the Constitution and laws of the United States, as President of the United States and Commander-in-Chief of the Army and Navy of the United States, hereby authorize and direct the Secretary of the Navy immediately to take possession of and operate the plants of Brewster Aeronautical Corporation located at Long Island City, New York, Newark, New Jersey, and Johnsville, Pennsylvania, through and with the aid of such person or persons or instrumentality as he may designate, and, in so far as may be necessary or desirable, to produce the war materials called for by the Company's contracts with the United States, its departments and agencies, or as may be otherwise required for the war effort, and do all things necessary or incidental to that end. The Secretary of the Navy shall employ such employees, including a competent civilian advisor on industrial relations, as are necessary to carry out the provisions of this Order,

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and, in furtherance of the purposes of this Order, the Secretary of the Navy may exercise any existing contractual or other rights of said Company, or take such steps as may be necessary or desirable.

Possession and operation hereunder shall be terminated by the President as soon as he determines that the plants of Brewster Aeronautical Corporation will be privately operated in a manner consistent with the war effort.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
April 18, 1942.

[F. R. Doc. 42-3506; Filed, April 21, 1942;
9:53 a. m.]

EXECUTIVE ORDER 9134

AMENDMENT OF EXECUTIVE ORDER No. 8757
OF MAY 20, 1941 ESTABLISHING THE OFFICE OF CIVILIAN DEFENSE

Correction

The line "as may be necessary or desirable to as—" appearing in the center column on page 2888 of the issue for Saturday, April 18, 1942, was inadvertently placed in paragraph e. It should appear as the next to the last line of paragraph f. Paragraphs e. and f. should read as follows:

e. Consider proposals, suggest plans, and promote activities designed to mobilize a maximum civilian effort in the prosecution of the war, and provide opportunities for constructive civilian participation in the war program; assist other Federal agencies in carrying out their war programs by mobilizing and making available to such agencies the services of the civilian population; review and approve all civilian defense programs of Federal agencies involving the use of volunteer services so as to assure unity and balance in the application of such programs; and assist State and local defense councils or other agencies in the organization of volunteer service units and in the mobilization of community resources for the purpose of dealing with community problems arising from the war.

f. Review existing or proposed measures relating to State and local defense activities, and recommend to the appropriate agencies such additional measures as may be necessary or desirable to assure adequate civilian defense.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 23—THE FEDERAL LAND BANK OF COLUMBIA

FEES FOR PREPAYMENT OF LAND BANK LOANS

Section 23.9 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 23.9 Fees for prepayment of land bank loans. No fee shall be charged for prepayment of land bank loans. (Sec. 12, "Second," 39 Stat. 370, as amended; 12 U.S.C., 771 "Second"; 6 CFR 10.386)

[SEAL] JULIAN H. SCARBOROUGH,
President.

[F. R. Doc. 42-3526; Filed, April 21, 1942;
11:34 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency, Agricultural Conservation and Adjustment Administration

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1942, FOR THE TERRITORY OF HAWAII, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.33d Farming practices in connection with the production of the 1942 crop of sugarcane in the Territory of Hawaii—(a) Application of fertilizer. The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in the Territory of Hawaii if fertilizer is applied as follows:

(1) Amount. There shall be applied to land on which sugarcane is growing during 1942 sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 100 pounds or 60 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1940 or 1941, whichever is smaller, but any amount by which such 60 percent exceeds 250 pounds shall not be considered.

(2) Acreage requirement. The number of acres on which fertilizer is applied in 1942 shall be not less than 80 percent of the number of acres on the farm on which sugarcane is planted, or a ratoon crop of sugarcane is started, at any time during 1942.

(b) Definitions. "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid and water-soluble potash. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1131)

Done at Washington, D. C. on this 21st day of April, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary.

[F. R. Doc. 42-3525; Filed, April 21, 1942;
11:23 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Administration

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT, 1921

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, 1921 (42 Stat. 159, as amended; 7 U.S.C. 1940 ed. 181-229), the following amendments to Title 9, Chapter II, Part 202, Code of Federal Regulations, published in the FEDERAL REGISTER on June 28, 1941 (6 F.R. 3136), are hereby promulgated:

Section 202.2 (d) is amended to read as follows:

§ 202.2 Definitions.

(d) The term "Administration" means the Agricultural Marketing Administration of the Department;

Section 202.2 (e) is amended to read as follows:

(e) The term "Division" means the Packers and Stockyards Division of the Livestock Branch of the Administration;

Section 202.2 (q) is amended by striking the period and the asterisk at the end thereof and substituting for them a semicolon.

Section 202.2 (r) is inserted after § 202.2 (q), to read as follows:

(r) The term "Administrator" means the Administrator of the Administration or any officer or employee of the Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

In §§ 202.3, 202.6 (b), 202.23 (b), and 202.39 (c), the words "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

In §§ 202.11 (g), 202.39, 202.40, 202.41 (a), 202.42 (a), 202.43, 202.48 (a), 202.52 (a), and 202.54, the word "Division" is stricken, where it occurred prior to these amendments, and the word "Administrator" substituted therefor.

In §§ 202.11 (g), 202.48 (g), and 202.58, the word "Service" is stricken and the word "Division" substituted therefor. The word "Division" substituted by this paragraph is not changed by the preceding paragraph.

Done at Washington, D. C., this 21st day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3524; Filed, April 21, 1942; 11:23 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 5—SAFEGUARDING TECHNICAL INFORMATION¹

§ 5.18 Authority for admission.

(b) Foreign nationals. (1) Foreign nationals (see § 5.17 (a)) will be admitted to Government or commercial manufacturing establishments and experimental laboratories engaged on classified work or projects, and to military posts, camps, and airfields only on written authority of the Assistant Chief of Staff, Military Intelligence Division, War Department General Staff. Members of the armed forces of Canada and Mexico may, however, be admitted to Army posts, camps, and airfields near the borders of those countries for occasional visits on the authority of the commanding general of the army, defense command, or corps area having jurisdiction over such posts, camps, or airfields, without reference to higher authority.

(2) Application for such visits will be made through the appropriate diplomatic representatives except in the case of foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States, for whom applications will be submitted by their employers, approved by the commanding officer or management of the establishment to be visited, and forwarded with the recommendation of the chief of the supply arm or service concerned to the Assistant Chief of Staff, G-2, War Department General Staff.

(3) Applications submitted through either of the channels described above will include the following information:

- (i) Name in full.
- (ii) Official title or position.
- (iii) Name of plant or plants, posts, camps, or airfields to which admission is desired.
- (iv) Date of visit or dates between which visits are desired.
- (v) Purpose of visit.

For foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States the following additional information will be required:

- (vi) Nationality.
- (vii) Length of service with present employer.

(4) Prior to authorizing a visit to a War Department or commercial manufacturing establishment engaged in classified work or projects, the Assistant Chief of Staff, G-2, War Department General Staff, will secure the recommendations of the Navy Department and the

¹ § 5.18 (b) is amended.

chief of the supply arm or service concerned. (R.S. 161; 5 U.S.C. 22) [Par. 58b, AR 380-5, June 18, 1941, as amended by Cir. 35, W.D., Feb. 4, 1942, and Cir. 109, W.D., April 13, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3501; Filed, April 20, 1942; 1:11 p. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

§ 81.10 (a) (2) and § 81.13 (f) and any other provision in procurement regulations, directives or instructions, relative to purchasing on a discount basis are suspended for the duration of the war. (R.S. 161; 5 U.S.C. 22) [P.B. General Directive No. 32, P. & D. Div. S.O.S., March 31, 1942.]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3500; Filed, April 20, 1942; 1:11 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-132, A-158, A-171, A-178, A-205, A-223, A-230, A-242, A-246, A-260, A-266, A-283, A-287 and A-362]

PARTS 321, 322, 324, 326, 328, 333, AND 339—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 1, 2, 4, 6, 8, 13 AND 19

ORDER AMENDING ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARDS NOS. 1, 2, 4, 6, 8, 13, AND 19 RESPECTIVELY, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

Proceedings having been instituted upon original petitions of District Boards 1, 2, 4, 6, 8, 13, and 19, respectively, filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, proposing and seeking the establishment of price classifications and effective minimum prices for the coals of certain mines in the respective districts which had not theretofore been classified and priced;

Hearings having been held and the Director having granted permanent relief in an Order dated November 6, 1941, 6 F.R. 6476;

It appearing that an error was inadvertently made in Supplement R-VII concerning District 4 annexed to and made a part of said Order;

Now, therefore, it is ordered, That Supplement R-VII, § 324.11 (Special

prices—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*, concerning District 4 annexed to and made part of said Order of the Director dated November 6, 1941, be and it hereby is amended by deleting therefrom Mine Index No. 686 (Three C Mine of the Three C Coal Company) for shipments of railroad fuel to the Pennsylvania Railroad Company.

Dated: April 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3520; Filed, April 21, 1942;
11:05 a. m.]

[Docket No. A-1013]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN CODE MEMBERS IN SUBDISTRICT NO. 1, AND FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF CODE MEMBERS IN SUBDISTRICT NO. 3, IN DISTRICT NO. 4, FOR RIVER SHIPMENT

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 4, requesting a revision in the effective minimum prices for shipment by river of coals produced by strip mines in Subdistrict 1 of District 4 and requesting that the prices as so revised for Subdistrict 1 coals be made applicable to code members in Subdistrict 3 having river loading facilities;

Petitions of intervention having been filed by District Boards 2, 3, and 6;

Pursuant to appropriate orders, and after due notice to all interested persons, a hearing in this matter having been held on September 30, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

Memoranda having been filed by District Boards 4 and 2;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now therefore it is ordered, That § 324.11 (*Special prices—(e) Prices for river shipment*) in the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck be, and it hereby is, amended by inserting in the subheading after the words "Sub-District 1 (Eastern Ohio)," the words "and Sub-District 3 (Bergholz)," so that the same will read "For shipment from all mines in Sub-District 1 (Eastern Ohio) and Sub-District 3 (Bergholz) having river loading facilities on the Ohio River;" and said § 324.11 (*Special prices—(e)*

prices for river shipment) in the Schedule is further amended by adding thereto a note reading as follows: "For coals produced at strip mines in Sub-Districts 1 and 3 the above prices may be reduced 10 cents per ton for all sizes when sold for shipment by river."

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3523; Filed, April 21, 1942;
11:05 a. m.]

[Docket No. A-1151]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE MARY FRANCES COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7, FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 272

A petition pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the Mary Frances Coal Company, a code member in District No. 7, requesting that temporary and permanent relief be granted by the establishment of effective price classifications and minimum prices for shipment by rail for coals produced at its mine, Mine Index No. 272;

Temporary relief having been granted in part by Order of the Director dated November 17, 1941, 6 F.R. 6521,

Petitions of intervention having been filed by District Board 7 and District Board 8;

Pursuant to Order of the Director and after due notice to interested persons, a hearing in this matter having been held before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner, W. A. Cuff, having made and filed his Report, Proposed Findings of Fact and Proposed Conclusions of Law, and Recommendations in this matter, recommending that the petition of the Mary Frances Coal Company be granted in part and denied in part;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having determined the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and

Conclusions of Law of the Acting Director.

It is further ordered, That effective fifteen (15) days from the date of this order:

(1) The temporary relief heretofore granted by Order dated November 17, 1941, be and it hereby is terminated.

(2) Section 327.21 (*High volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck, be and it hereby is amended by establishing the following price classifications and corresponding minimum prices for coals of the Mary Frances Mine, Mine Index No. 272:

For shipment to destinations other than Great Lakes: "L" in Size Groups 1 to 4, inclusive; "C" in Size Groups 15 to 17, inclusive; "F" in Size Groups 18 to 22, inclusive.

For lake shipments: "L" in Size Groups 1 to 4, inclusive, 16 and 17, and "F" in Size Groups 18 to 22, inclusive.

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3521; Filed, April 21, 1942;
11:03 a. m.]

[Docket No. A-486]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR AN ORDER ESTABLISHING MINIMUM PRICES FOR RAILWAY LOCOMOTIVE FUEL FOR GREAT LAKE SHIPMENT IN RESULTANT MINE RUN SIZES

A petition having been filed with the Bituminous Coal Division by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of a minimum price of \$1.55 per net ton f. o. b. the mine for District 8 high volatile resultant mine run coal (6" x 0 or smaller), and all other sizes which result from the screening thereof, when shipped via the Great Lakes for use as railway locomotive fuel;

Petitions of intervention having been filed by the Island Creek Coal Company, a code member in District 8, and by District Boards 1, 2, 3, 4 and 6;

Temporary relief having been granted by Order dated May 14, 1941, 6 F.R. 2451;

Pursuant to Orders of the Director, and after due notice to interested persons, a hearing in this matter having been held on January 28 and 29, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

Appearances having been entered by the original petitioner, the Island Creek Coal Company, the Consumers' Counsel Division, and District Boards 1, 2, 3, 4 and 6;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 328.13 (Special prices—(c) Railway locomotive fuel—(4) For Great Lakes railway locomotive fuel) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended by being revised to read as follows:

Not less than the following price per net ton f. o. b. mines shall apply on High Volatile coal destined to the Great Lakes for use as railway locomotive fuel:

(a) Screenings, 2' x 0 and smaller (all high volatile coals)—\$1.55.

(b) Resultant run of mine, 6' x 0 and smaller, as produced at the mine (when stored in piles separate and distinct from all other coals on such docks or loaded directly from vessels into railroad cars, upon the docks at Duluth, Minnesota, and Superior, Wisconsin)—\$1.55.

(c) Provided, however, That any code member selling coal under price provision (b) above shall file with the Bituminous Coal Division at 734 Fifteenth Street, N.W., Washington, D. C., within five (5) days after such sale, statements showing a complete description of such sale as is required by the Marketing Rules and Regulations of the Division, Order No. 313, and any other Order of the Division, which statements shall become a part of the record in this matter. The statements required to be filed herein shall be in addition to those required to be filed with the field office of the Division.

It is further ordered, That jurisdiction of this matter shall be retained by the Acting Director subsequently to modify or terminate the relief herein granted or to issue such other order as may be proper.

It is further ordered, That the prayers of the original petition and all petitions of intervention are granted to the extent set forth above and in all other respects are denied.

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3522; Filed, April 21, 1942;
11:04 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 54—PROVISIONAL REGULATIONS ISSUED UNDER THE GOLD RESERVE ACT OF 1934, AS AMENDED

DEFINITION OF "MINT DISTRICT" AMENDED

APRIL 15, 1942.

Section 54.4 is hereby amended by changing the definition of the term "mint district" to read as follows:

§ 54.4 Definitions. * * *
"Mint district" means one of the following areas:

The mint district of Philadelphia, which for the purposes of this part consists of the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the District of Columbia.

The mint district of New York, which for the purposes of this part consists of the States of Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin, and Puerto Rico, the Virgin Islands of the United States, and the Panama Canal Zone.

The mint district of Denver, which for the purposes of this part consists of the States of Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

The mint district of San Francisco, which for the purposes of this part consists of the States of Arizona, California, and Nevada, and the Territories and possessions of the United States not specifically included in other mint districts.

The mint district of Seattle, which for the purposes of this part consists of the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska.

[SEAL] H. MORGENTHAU, JR.,
Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT,
The White House, April 15, 1942.

[F. R. Doc. 42-3505; Filed, April 20, 1942;
4:38 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 63]

ORDER PRESCRIBING FORMS

LIST OF REGISTRANTS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 3, "List of Registrants,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of original DSS Form 3 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, be-

¹ Filed with the original document.

come a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

APRIL 20, 1942.

[F. R. Doc. 42-3531; Filed, April 21, 1942;
11:58 a. m.]

[No. 64]

ORDER PRESCRIBING FORMS

DUPLICATE LIST OF REGISTRANTS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 3A "Duplicate List of Registrants,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of original DSS Form 3A on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

APRIL 20, 1942.

[F. R. Doc. 42-3530; Filed, April 21, 1942;
11:58 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

SUPPLEMENTARY DIRECTIVE NO. 1 E—MODIFIED DELEGATION OF AUTHORITY TO THE OFFICE OF PRICE ADMINISTRATION WITH REFERENCE TO THE RATIONING OF SUGAR

§ 903.6 Supplementary Directive No. 1E. (a) In order to permit the efficient rationing of sugar,² the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1) is hereby extended to include the exercise of control over the sale, distribution and use of direct-consumption sugar, except in the following cases:

(1) The acquisition or use of direct-consumption sugar by or for the account of any of the agencies specified in subparagraphs (1) and (2) of paragraph (a) of said Directive No. 1.

(2) The acquisition or use of direct-consumption sugar by such other agencies or purchasers as the Director of Industry Operations may from time to time specify as directly essential to the war effort, by issuing any Order expressly regulating acquisitions of Direct-consumption sugar by such other agencies or purchasers.

² Sugar rationing regulations, *infra*.

(b) As used in this Supplementary Directive the term "direct-consumption sugar" means any sugar which is not to be further refined or otherwise improved in quality, and includes raw sugar delivered for use in manufacturing any product other than direct-consumption sugar, but sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and sirup of cane juice produced from sugar cane grown in continental United States, are not included.

(c) Except as herein expressly indicated, the exercise of powers of the Office of Price Administration under this Supplementary Directive shall be subject to the terms and conditions of said Directive No. 1, including the power of the War Production Board under paragraph (d) thereof to determine the maximum amount of direct-consumption sugar available for distribution hereunder in any period.

(d) This Supplementary Directive shall take effect immediately but any orders heretofore issued by the Director of Priorities or the Director of Industry Operations regulating transactions in sugar will continue in effect until modified, revoked or superseded by action of the Office of Price Administration pursuant hereto. (E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 567; sec. 2 (a). Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; WPB Directive No. 1, 7 F.R. 562, WPB Reg. No. 1 7 F.R. as amended, 7 F.R. 2126.) (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 21st day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3528; Filed, April 21, 1942; 11:48 a. m.]

PART 998—METAL OFFICE FURNITURE AND EQUIPMENT

AMENDMENT NO. 1 TO SUPPLEMENTARY LIMITATION ORDER L-13-A

Section 998.2 (Supplementary Limitation Order L-13-a¹), paragraph (b) entitled "General Restrictions," is hereby amended by the addition of a new subparagraph reading as follows:

(10) The restrictions contained in this Order shall not apply to specific orders, contracts or subcontracts for metal shelving or metal lockers to be delivered to or for the account of the Army or Navy of the United States and the United States Maritime Commission, provided that such metal shelving or metal lockers are delivered to or for the account of the Army or Navy of the United States or the United States Maritime Commission prior to July 15, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7

¹ 7 F.R. 2536.

F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.).

This Amendment shall take effect immediately.

Issued this 21st day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3527; Filed, April 21, 1942; 11:48 a. m.]

Chapter XI—Office of Price Administration

PART 1337—RAYON

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 23 AS AMENDED¹—RAYON GREY GOODS

A statement of considerations involved in the issuance of this Amendment is issued simultaneously herewith and filed with the Division of the Federal Register.

In §§ 1337.13 (a) (2) and (a) (3), respectively, two fabric items should read as follows and a new § 1337.12a is added:

§ 1337.13 Appendix A: Maximum prices for rayon grey goods. (a) * * *

Fabric No. and type	Width	Ends and picks	Warp	Filling	Price per yard
*	*	*	*	*	*

(2) TWILLS

2-100.	42"....	112 x 64	150A	150V. (Under 60 fil.)	21 ³ / ₄ ¢
*	*	*	*	*	*

(3) SATINS

3-245.	45 ¹ / ₂ "	264 x 66	75A	125V. Crepe.....	39 ³ / ₄ ¢
*	*	*	*	*	*

§ 1337.12a Effective dates of amendments. (a) Amendment No. 1 (§§ 1337.12a, 1337.13 (a) (2), (a) (3) to Revised Price Schedule No. 23 as amended shall become effective April 21, 1942.

(Pub. Law 241, 77th Cong.)

Issued this 20th day of April 1942.

LEON HENDERSON,

Administrator.

[F. R. Doc. 42-3504; Filed, April 20, 1942; 4:59 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

RATIONING ORDER NO. 3—SUGAR RATIONING REGULATIONS

Sec.

SCOPE OF RATIONING ORDER NO. 3

1407.1 Territorial limitation.

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¹ 7 F.R. 2899.

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- 1407.161 Petitions for adjustment of base, allotment, or allowable inventory.
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- 1407.163 New establishments and ineligible establishments desiring sugar.
- 1407.164 Correction of registration: Composition of registering unit.
- 1407.165 Finality of findings.
- 1407.166 Exchange of sugar.
- 1407.167 Investigatory agencies.

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EFFECTIVE DATE

- 1407.221 Effective date of Rationing Order No. 3.

SCHEDULES

- 1407.241 Schedule A: Tables of sugar allowance per unit of product for determination of provisional allowance.
- 1407.242 Schedule B: Monthly allotment percentage for institutional and industrial users.
- 1407.243 Schedule C: Designation of ration periods and weight value of Stamps valid therein.

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942, and by Supplementary Directive No. 1E of the War Production Board issued April 21, 1942, it is hereby ordered that:

Authority: §§ 1407.1 to 1407.241, inclusive, issued pursuant to Pub. Law 421, 77th Cong., WPB Directive No. 1, 7 F.R. 562, Supp. Directive No. 1E, *supra*.

Scope of Rationing Order No. 3

§ 1407.1 *Territorial limitation.* Rationing Order No. 3 shall apply within the forty-eight states of the United States and within the District of Columbia.

Definitions.

§ 1407.21 *Meaning of terms used in Rationing Order No. 3.* (a) Whenever reference is made to an act done or to be done, or to property owned, by a registering unit, it shall be construed to refer to an act done or to be done, or to property owned, by the person owning such registering unit in its behalf.

(b) Words importing the masculine gender include the feminine and neuter genders; and words importing the singular include the plural and vice versa.

(c) *Definitions:*

(1) "Adult" means any married person, or any person who is at least eighteen (18) years of age.

(2) "The Board" means a Local Rationing Board, or the Local Rationing Board with which the consumer or regis-

tering unit is registered, as the context indicates.

(3) "Book" means War Ration Book One.

(4) "Certificate" means Sugar Purchase Certificate.

(5) "Consumer" means any individual who receives sugar for personal use.

(6) "Delivery" means the transfer of physical possession or the transfer of a document of title.

(7) "Establishment" means the business or operation subject to Rationing Order No. 3, conducted at or from a particular location.

(8) "Family unit" means a group of two or more individuals, consisting of all persons customarily living together in the same household (including persons temporarily absent therefrom) who are related by blood, marriage, or adoption.

(9) "Industrial user" means an establishment which receives sugar for use in the production, manufacture, or processing of any product other than sugar, except as an institutional user.

(10) "Institutional user" means an establishment which receives sugar for use in connection with the preparation for service and the service of food or beverages or any combination thereof, regardless of whether or not such establishment receives any consideration therefor. "Institutional user" includes restaurants, hotels, caterers, drug stores, school lunchrooms, soda fountains, hospitals, prisons, sanatoria, asylums, etc.

(11) "Person" means any individual, partnership, corporation, association, or other organized group of persons, and includes the United States, or any agency thereof, and the States or any political subdivisions or agencies thereof.

(12) "Primary distributor" means any person who manufactures sugar or the agent of any such person, or any person who delivers sugar to the continental United States from offshore areas or any person who takes such delivery or the agent of any such person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(13) "Ration period" means the space of time designated by the Office of Price Administration for which a Stamp shall be valid.

(14) "Registering unit" means the establishment or group of establishments selected by the owner thereof to be treated as a single unit for the purpose of Rationing Order No. 3 and which is so registered by him.

(15) "Retailer" means an establishment which makes over 50 percent of its sales of all merchandise to consumers.

(16) "Shipping unit" means the quantity of sugar customarily contained in the carload or truckload by which a registering unit takes delivery of sugar from a primary distributor.

(17) "Stamp" means a War Ration Stamp originally contained in a War Ration Book and designated by the Office of Price Administration as an authorization to take delivery of sugar.

(18) "Sale at retail" means a sale to a consumer.

(19) "Sale at wholesale" means a sale to a person other than a consumer.

(20) "Sugar" means any saccharine product derived from sugar beets or sugarcane, which is not to be further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than six per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States. "Sugar", within the meaning of this definition, shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, brown sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar, invert sugar mush, raw sugar, liquid sugar, sirups, and sugar mixtures. Liquid sugar shall be computed on the basis of the weight of sugar solids.

(21) "Weight value" means the amount of sugar authorized to be delivered by a Certificate or Stamp.

(22) "Wholesaler" means an establishment which makes over 80 percent of its sales of all merchandise to persons other than consumers. The term "wholesaler" does not include a primary distributor.

Administration and Personnel

1407.41 *Personnel.* (a) Rationing Order No. 3 shall be administered by the Office of Price Administration through its Local Rationing Administrators, and its Local Rationing Boards, and such other administrative personnel as it may designate.

(b) The persons referred to in paragraph (a) hereof may be assisted during the registration periods by the chief school officials of the several states, the city and county superintendents of schools, and by the persons who may be appointed to act as School Site Administrators, Registrars, and Trade Rationing Advisors. The School Site Administrators shall be appointed by the city or county school superintendents and the Registrars shall be appointed by the School Site Administrators. The Trade Rationing Advisors shall be appointed by the Local Rationing Boards. The persons enumerated in this paragraph shall serve without compensation and shall be under the supervision of the persons enumerated in paragraph (a) and of the persons who appointed them.

(c) No person participating in the administration of Rationing Order No. 3 shall act officially in connection with any matter arising under Rationing Order No. 3 wherein, by reason of business interests or relationship by blood or marriage, he is unable to act without bias.

§ 1407.42 *Powers and duties.* The persons appointed to administer Rationing Order No. 3 or to assist therein shall have such powers and duties as are provided in Rationing Order No. 3 and any

subsequent orders issued by the Office of Price Administration.

§ 1407.43 *Jurisdiction of Board; transfers.* (a) The Jurisdiction of each Local Rationing Board shall extend to every consumer and every registering unit registered with it.

(b) If a consumer does not reside in the area assigned to the Board with which he is registered, a written application may be filed with the Board having jurisdiction over the area in which the consumer resides for the transfer to it of his registration file. Such application may be made by the consumer or by his authorized agent. The Board with which such application is filed, after ascertaining that the consumer is residing within the area assigned to it, shall notify the Board with which the consumer is registered. The latter Board shall thereupon transfer the registration file of the consumer to the Board to which such application has been made.

(c) If the owner of a registering unit moves his principal business office from the area in which the registering unit is registered, such owner, at his option, may apply in writing to the Board having jurisdiction over the area to which his principal business office has been moved, for the transfer to it of the registration file of the registering unit.

(d) If a registering unit is not registered with the Board having jurisdiction over the area in which is located the office from which the operation of the registering unit is immediately controlled, the owner, at his option, may apply to such Board in writing for the transfer to it of the registration file of the registering unit.

(e) Whenever an application for the transfer of the registration file of a registering unit is made in accordance with the foregoing provisions the Board to which such application is made shall notify the Board with which the registering unit is registered of the fact that such application has been made. Thereupon the latter Board shall transmit the registration file of the registering unit to the Board to which such application was made; and it shall retain a record of the name and address of the registering unit, the name of the owner, and of the address of his principal business office, and of the designation of the Board to which the registration file is transmitted.

(f) Upon the transfer of the registration file of a consumer or a registering unit in accordance with the foregoing provisions the consumer or registering unit shall thereafter be deemed to be registered with the Board to which such file is transmitted.

§ 1407.44 *Records confidential.* All records of the Office of Price Administration and of the Board relating to sugar rationing shall be confidential and shall be subject to inspection, removal, or other disposition only as provided herein or as the Office of Price Administration may from time to time order. The records shall at all times be available for inspection and use by the Department of Justice of the United States in or out of court. Any person filing a record, or his agent, may examine the record so filed

by him if to do so does not interfere with the administration of Rationing Order No. 3. Records may be subpoenaed in any criminal proceeding in which the defendant is the person named in said records or is a person alleged to be in collusion with the person named therein. Records may be subpoenaed in any other action or proceeding if the subpoena is served at least ten (10) days before the return date and if the Price Administrator deems the production of the records in answer to such subpoena is in the interest of national defense and security. Notwithstanding any of the foregoing there may be posted at the office of each Board a list of all consumers who have made application for and received permission to obtain amounts of sugar in addition to sugar authorized by Stamps, except that the names of Intelligence Officers of the armed forces of the United States, or members of law enforcement agencies of the United States, or of any State or political subdivision thereof, whose work requires secrecy shall not be included in any such list.

Consumers

§ 1407.61 *Prohibited deliveries.* On and after April 28, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall make delivery of sugar to any consumer, and no consumer shall accept delivery of sugar from any person except upon the surrender to such person by the consumer, pursuant to Rationing Order No. 3, of a Stamp or Certificate having a total weight value equal to the quantity of sugar delivered: *Provided, however,* That loans of sugar owned for personal use which are repaid in kind in equal quantity may be made between consumers without the surrender of Stamps or Certificates.

§ 1407.62 *War Ration Book.* Except as is otherwise provided in Rationing Order No. 3, every consumer shall be entitled to obtain War Ration Book One (OPA Form No. R-302) containing War Ration Stamps, upon proper registration and application during the period from May 4 to May 7, 1942, at any designated registration site.

§ 1407.63 *Eligibility for making application for War Ration Book One.* (a) Registration and application for War Ration Book One for all members of the family unit, including those temporarily absent, shall be made by one adult member of the family unit: *Provided, however,* That if there is no adult member of the family unit, the registration and application for the members of the family unit shall be made by the oldest member or by a responsible adult. Any member of a family unit residing in or confined to a hospital, asylum, home, prison or similar institution, whether public or private, during the registration period may be registered, but if such member is likely to be confined for a period exceeding ten days from the time of such registration, the War Ration Book issued for him shall

¹ "Consumer" means any individual who receives sugar for personal use.

be surrendered to the head of the institution while he is confined therein.

(b) A consumer not a member of a family unit shall register and apply for himself: *Provided, however,* That the registration and application for a minor not a member of a family unit shall be made by his parent or guardian, or by a responsible adult, unless such minor is self-supporting.

(c) A consumer not a member of a family unit shall not be eligible for registration nor entitled to obtain a War Ration Book while confined in an institution of the type described in paragraph (a) of this section.

(d) Registration and application for a consumer not a member of a family unit and not confined to an institution who is so incapacitated as to be unable to register for himself during the registration period shall be made by the individual caring for him or some other individual designated by him. Such individual may be required to show to the satisfaction of the Registrar that he has authority so to act.

§ 1407.64 *Registration.* (a) Every individual registering and making application for a War Ration Book for himself, or for himself and the members of his family unit, or on behalf of any other person, shall declare the facts required by OPA Form No. R-301 (Application for War Ration Book), including such facts as may be necessary to determine whether the consumer for whom application is made is entitled to a War Ration Book and the number of Stamps to be contained therein. Such facts shall be entered by the Registrar in the presence of the person registering, and after completion the Form shall be certified to and signed by such person. If the individual is acting on behalf of another not a member of his family unit, the Registrar shall identify the signature by writing thereunder the word "Agent". When a War Ration Book is issued the Registrar shall record the serial number of the War Ration Book on the Application for War Ration Book form and shall certify to the proper delivery of the War Ration Book by signing the Form.

(b) The Application for War Ration Book form shall, after completion, be filed with the Board whose number is endorsed upon the Form.

§ 1407.65 *Sugar supply of consumers.* The sugar supply of a consumer is the amount of sugar owned by him for personal use; the sugar supply of a family unit is the total of all sugar owned by the members of the family unit for personal use.

§ 1407.66 *Allowable sugar supply.* Each consumer shall be permitted to own 2 pounds of sugar for his personal use without having Stamps detached from his War Ration Book.

§ 1407.67 *Issuance of War Ration Books.* (a) Each War Ration Book issued during the registration period shall be completed and signed by the Registrar.

(b) If the sugar supply of a consumer not a member of a family unit exceeds 6 pounds the consumer shall be registered, but no War Ration Book shall

be issued for him. If, however, the sugar supply of the consumer exceeds 2 pounds but does not exceed 6 pounds the Registrar shall issue a War Ration Book after first detaching therefrom one Stamp, commencing with Stamp No. 1, for each pound in excess of 2 pounds. In making computations, fractions of a pound shall be disregarded.

(c) If the sugar supply of the members of a family unit, disregarding fractions of a pound, exceeds the quantity equal to 6 pounds per member, all members shall be registered but no War Ration Book shall be issued to any member of the family unit. If, however, such sugar supply does not exceed a quantity equal to 6 pounds per member, the Registrar shall issue War Ration Books to all members after detaching therefrom one Stamp for each pound in excess of a quantity equal to 2 pounds per member. The Registrar shall detach such Stamps as nearly equally as possible from the War Ration Books issued to the members of the family unit and shall detach the Stamps consecutively commencing with Stamp No. 1 of each War Ration Book so issued.

§ 1407.68 *Late registration of consumers.* (a) A consumer who is not registered during the registration period, upon good cause shown, may be registered thereafter at the office of the Board having jurisdiction over the area in which he resides. Such registration shall be made in the same manner and on the same conditions as a registration made during the registration period. A late registration may not be made prior to May 21, 1942 except that the Board in its discretion, may permit registration prior to such date in cases of unusual hardship. The number of Stamps to be removed from the War Ration Book shall be determined on the basis of the sugar supply owned on the 4th day of May, 1942 by the consumer if he was not a member of a family unit on such date, or by the members of the family unit of which he was a member on such date. In every case the Stamps for any ration periods which have expired shall be detached from the War Ration Book issued.

(b) Each War Ration Book issued subsequent to the registration period shall be completed and signed by a member of the Board or by its duly authorized agent.

§ 1407.69 *Subsequent issuance of War Ration Books to consumers having an excess supply of sugar at the time of the registration period.* Every consumer who has been registered but who has not been issued a War Ration Book by reason of the ownership of an excess sugar supply shall be entitled to receive a War Ration Book by application to the Board at any time subsequent to the commencement of the latest of the ration periods during which Stamps become valid having a weight value equal to the excess sugar supply owned on May 4, 1942 by the consumer, if not a member of a family unit, or by all the members of the family unit if the consumer was a member of a family unit on such date. At the time of issuing such War Ration Books the Board shall detach therefrom Stamps in weight value equal to such excess sugar

supply and any additional Stamps applicable to expired ration periods.

§ 1407.70 *Surrender and retention of War Ration Books.* (a) Within ten days after the death of a consumer the person having possession of the War Ration Book of the decedent shall surrender it to the Board for cancellation.

(b) When a consumer to whom a War Ration Book has been issued becomes confined to an institution for a period likely to exceed ten days, he shall surrender his War Ration Book to the administrative head of the institution. On his discharge from the institution the War Ration Book shall be returned to him.

(c) If a consumer is inducted into the armed services of the United States, or leaves the United States for a period of more than thirty days, he shall surrender his War Ration Book to the Board.

§ 1407.71 *Home canning.* Each consumer holding a War Ration Book shall be entitled to additional amounts of sugar not to exceed 5 pounds per annum for use in connection with the canning or preserving of fresh fruits or vegetables for consumption in his own home: *Provided, however,* That the maximum quantity of sugar which may be obtained for home canning during the period of May and June 1942 by a consumer registered with a Board located in the District of Columbia or in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, or Maine, shall be one pound. The application therefor shall be made to the Board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit or by an authorized agent. Upon application, the Board in a proper case shall issue to the consumer a Certificate for the amount of sugar authorized by this section.

§ 1407.72 *Consumer born after registration.* A consumer born after the period provided for consumer registration may be registered by his parent or other person having custody of him, with the Board with which such parent or other person is registered. The Board shall issue a War Ration Book to such consumer after first removing therefrom the Stamps applicable to all expired ration periods.

§ 1407.73 *Consumer handicapped by transportation.* A consumer who, because of transportation difficulties, finds it a hardship to take delivery of sugar during the ration periods specified by the Office of Price Administration may apply for a Certificate authorizing him to take delivery of a quantity of sugar not in excess of the aggregate amount to which he is entitled for a period of four weeks. The application therefor shall be made to the Board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit or by an authorized agent. The Board, in a proper case, shall grant the application, but before issuing the Certificate shall detach from the War Ration Book of the consumer, and from the War Ration Book of any other consumer on whose behalf he has made application,

the Stamps in lieu of which the Certificate is issued.

§ 1407.74 *Growers of sugarcane and sugar beets.* A consumer who has delivered sugarcane or sugar beets produced by him to a primary distributor for processing into sugar may apply for a Certificate authorizing him to take delivery from that primary distributor of a quantity of sugar not in excess of 25 pounds for himself and 25 pounds for each member of his family unit. The application therefor shall be made to the Board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit or by an authorized agent. The Board, in a proper case, shall grant the application: *Provided,* That such consumer shall surrender to the Board his War Ration Book and the War Ration Books of the members of his family unit for whom such application is made.

§ 1407.75 *Illness of consumer.* Any person who, by reason of his illness, requires amounts of sugar in addition to that otherwise allowed him may apply for a Certificate authorizing him to take delivery of such additional amounts. The application therefor shall be made to the Board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit, or by an authorized agent, and shall be accompanied by a doctor's certificate explaining why additional sugar is needed and stating the amount required. The Board in a proper case shall grant the application.

§ 1407.76 *Consumers eating regularly at same establishment.* A consumer who arranges to eat 12 or more meals per week in an establishment registered as an institutional user must surrender his War Ration Book to the owner or manager of the establishment. The War Ration Book shall be returned to the consumer when he ceases to eat 12 or more meals per week at the establishment. At the time of the return, Stamps for the ration periods that expired while such arrangement existed shall be detached by the owner or manager and surrendered for cancellation to the Board having jurisdiction over the establishment. Notwithstanding the provisions of this section the War Ration Book shall be surrendered to the consumer for temporary use for the purpose of purchasing any product other than a food product for which a War Ration Stamp may have been designated by the Office of Price Administration. Establishments referred to in this section include, but are not limited to, boarding houses and college dormitories.

Institutional and Industrial Users

§ 1407.81 *Registering unit.* As used in §§ 1407.82-1407.94, such registering unit refers to the institutional¹ or indus-

¹ "Institutional user" means an establishment which receives sugar for use in connection with the preparation for service and the service of food or beverages or any combination thereof, regardless of whether or not such establishment receives any consideration therefor. "Institutional user" includes restaurants, hotels, caterers, drug stores, school lunchrooms, soda fountains, hospitals, prisons, sanatoria, asylums, etc.

trial* users which are included within such registering unit.

§ 1407.82 *Prohibited deliveries.* On and after April 28, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall make delivery of sugar to any registering unit, and no registering unit shall accept delivery of sugar from any person except upon the surrender to such person by the registering unit pursuant to Rationing Order No. 3 of a Certificate having a total weight value equal to the quantity of sugar so delivered; except that any sugar which at the time of registration has been included in present inventory pursuant to § 1407.84 may be received without the surrender of Certificates.

§ 1407.83 *Registration.* (a) Registration shall be made on April 28 or 29, 1942, for each registering unit upon OPA Form No. R-310 (Registration of Institutional and Industrial Users) at a registration site designated for the area in which the principal business office of the owner is located.

(b) The Form shall be presented for filing, and signed in the presence of a Registrar, by the owner, a partner (if the owner is a partnership), an officer (if the owner is a corporation, association, or similar organization), or manager of the owner. The Registrar in whose presence the Form is signed shall witness the signature and certify to the execution thereof.

(c) If the registering unit is composed of more than one establishment there shall be attached to the Registration Form a list of the establishments included, with the address of each: *Provided, however,* That a registering unit composed of establishments located on mobile conveyances, including vessels and airplanes, need not list such mobile conveyances.

(d) The Registrar shall also insert on the Form the designation of the Local Rationing Board having jurisdiction over the registration site and at the close of the registration period the completed Form shall be filed with such Board.

§ 1407.84 *Present inventory.* The present inventory of a registering unit is the aggregate of all sugar in the possession of, or intended to be used by, the registering unit, to which, at the time of registration, the owner of the registering unit has title or holds documents of title, or which was in transit or stored for delivery to the registering unit and out of the possession of the vendor, prior to April 28, 1942. The owner shall be deemed to have title to sugar regardless of the fact that it may have been mortgaged, pledged, or otherwise used as security in a credit transaction, or that its use may have been prohibited by any order of the War Production Board. Every person who owns one or more registering units must include all sugar to which he has title (except sugar held for personal use and sugar in the possession

of his vendor) in the present inventories of such registering units, allocating such sugar among those of his registering units as he selects.

§ 1407.85 *Sugar base.* (a) The sugar base for a registering unit proposing to use sugar for any product or purpose other than the products or purposes set forth in § 1407.241, Schedule A of Rationing Order No. 3, is, for any month, the amount of sugar used by the registering unit for such product or purpose during the corresponding month of 1941.

(b) If a registering unit proposes to use sugar for any product or purpose other than those listed in § 1407.241, Schedule A of Rationing Order No. 3, but did not use sugar for such product or purpose in each month of 1941, its sugar base for such product or purpose for each month may be, at the option of the registering unit, the amount arrived at by dividing the total quantity of sugar used for such purpose during the period from January 1, 1941, to April 28, 1942, by the number of months the registering unit was in business during that period. In making this computation any period in excess of 15 days shall be deemed a month.

(c) In the case of an institutional user only, the sugar base for every month may, at the option of the registering unit, be the amount of sugar used during March 1942.

(d) There shall not be included in the computation of the sugar base any sugar used in products which were delivered to the Army or Navy or to any of the persons or agencies enumerated in paragraph (b) of § 1407.183.

(e) The information necessary to compute the sugar base of the registering unit in accordance with the provisions of this section shall be entered on Schedule I of OPA Form No. R-310 (Registration of Institutional and Industrial Users).

§ 1407.86 *Allotment.* (a) A registering unit which uses sugar for any of the purposes not enumerated in § 1407.241, Schedule A of Rationing Order No. 3, and which has established a sugar base by registration on OPA Form No. R-310, is eligible for an amount of sugar for each of such purposes which is known as an allotment. The amount of an allotment for each period for which application is made shall be the applicable percentage specified in § 1407.242, Schedule B of Rationing Order No. 3, of the sugar base.

(b) Application for an allotment made during the registration period shall be for the period from the date of registration to June 30, 1942. All subsequent applications shall be made only for a period of one month and shall be made not later than the 5th day of the month for which the application is being made and not earlier than the 20th day of the preceding month.

§ 1407.87 *Provisional allowance.* (a) A registering unit proposing to use sugar for the production of any of the products listed in § 1407.241, Schedule A of Rationing Order No. 3, is eligible for an amount of sugar which is determined by multiplying the number of units of such

product which the owner estimates will be produced by the registering unit during the period for which the application is being made, by the quantity of sugar which is permitted in § 1407.241, Schedule A, as the maximum amount per unit of the product. The amount of sugar thus allowed is known as a provisional allowance.

(b) A registered unit proposing to use sugar for the feeding of bees is entitled to a provisional allowance for such purpose. The amount of such provisional allowance is to be determined pursuant to Table VI of Schedule A, § 1407.241.

(c) Application for a provisional allowance made during the registration period shall be for the period from the date of registration to June 30, 1942; application made subsequently shall be for the period from the first day of the month in which the application is filed to the last day of the succeeding month.

§ 1407.88 *Application for certificate.* Application shall be made by each registering unit desiring a provisional allowance or allotment on OPA Form No. R-314 (Application for Sugar Purchase Certificate by Institutional and Industrial Users). Only those registering units which have properly registered on OPA Form No. R-310 (Registration of Institutional and Industrial Users) may apply. The application shall be presented for filing and shall be signed by one of the persons authorized to file and sign OPA Form No. R-310 at the registration site, if the application is being made at the time of registration, or at the office of the Board. The issuing officer in whose presence the Form is signed shall witness the signature and certify to the execution thereof and shall also insert on the Form the designation of the Local Rationing Board having jurisdiction over the registering unit.

§ 1407.89 *Use of provisional allowance.* (a) No registering unit may use more sugar in any packing season for packing or processing any product listed in Table I or Table II of Schedule A, § 1407.241, than the amount determined by multiplying the number of units of such product actually packed in such season by the allowance per unit of such product specified in Schedule A.

(b) No registering unit may use more sugar for packing or otherwise processing any unit of any product listed in Table IV or Table V of Schedule A than the amount specified therein as the allowance per unit of such product.

(c) In determining the quantity of sugar used for the packing or processing of any product listed in § 1407.241, Schedule A there shall be included all dextrose and corn syrup used for such product on the basis of 1.2 pounds of dextrose or 1.4 pounds of corn syrup as the equivalent of 1 pound of sugar.

§ 1407.90 *Amount for which certificate is to be issued.* A Certificate shall be issued to the registering unit, after proper application, for the total of the provisional allowance and the allotment or allotments applied for, less any adjustments required to be made by Rationing Order No. 3 and less any part of the provisional allowance for the preceding period which was not used for the

* "Industrial user" means an establishment which receives sugar for use in the production, manufacture, or processing of any product other than sugar, except as an institutional user.

purposes for which the provisional allowance was made.

§ 1407.91 *Adjustments.* (a) In the first application for a Certificate the adjustment shall be the deduction of present inventory. In all subsequent applications adjustments shall include any excess of the present inventory over the total of all prior allotments and provisional allowances, as well as corrections for any errors, omission, or mistakes on prior applications.

(b) Any registering unit which uses sugar obtained by it without the surrender of Certificates shall include the amount of such sugar as an adjustment to be deducted from the amount for which a Certificate may be issued upon the next application for the registering unit.

§ 1407.92 *Sugar to be used for purposes designated.* Except as is otherwise specifically provided in Rationing Order No. 3, the sugar received by a registering unit shall be used by it only for the purpose or purposes stated in the application for the Certificate pursuant to which the registering unit received the sugar.

§ 1407.93 *Late registrations.* A registering unit which is not registered on April 28 or 29, 1942, may thereafter be registered at the office of the Board. The present inventory of the registering unit shall, under such circumstances, be computed as of April 28, 1942, and the registering unit shall not be permitted any provisional allowance or allotment for any periods that may have elapsed.

§ 1407.94 *Reports and records.* (a) At the time of registration a registering unit using sugar in packing or processing any of the products listed in Table II of Schedule A, § 1407.241, shall file a written report setting forth the total number of cases, by sizes, of each fruit, and the total number of gallons of each fruit juice packed during 1941, the total quantity of sugar used in connection with each, and in the case of each fruit the total number of cases processed in terms of cases of 24/2½'s on the basis of the conversion table set forth in Table III of Schedule A, and the average quantity of sugar used per case on the converted basis.

(b) At the time of registration a registering unit using sugar in connection with the processing of pickled or cured fish, shellfish, or poultry products shall file a written report of the quantity of each of such products processed during 1941, the total quantity of sugar used in connection with each and the average quantity of sugar used per hundred-weight (unprocessed).

(c) A registering unit using sugar during any month for packing or processing any of the products listed in § 1407.241, Schedule A, or for feeding bees, shall, on or before the 15th day of the following month, file with the Board a written report of the use of sugar for each of such products during the past month, except that the report made during June 1942 shall be for the period from the time of registration to May 31, 1942. The report shall set forth the number of units by sizes of each product packed or proc-

essed (and the number of bee colonies fed by weeks), and the quantity of sugar used in connection therewith. In the case of the products listed in Tables I and II of Schedule A, § 1407.241, except fruit juices, there shall be included as a separate item the number of cases of each product packed or processed in terms of cases of 24/2's and 24/2½'s, respectively, on the basis of the conversion table set forth in Table III of Schedule A. In the case of fruit juices the quantity packed or processed shall be expressed in terms of gallons.

(d) All registering units shall preserve for a period of two years at the office of the registering unit records showing by months the amounts of sugar received by the registering unit and the person from whom received, the use made of such sugar for each product and purpose listed in § 1407.241, Schedule A, and § 1407.242, Schedule B, and the amount of each product processed, except that institutional users shall not be required to keep any records of the amount of any product processed.

Retailers and Wholesalers

§ 1407.101 *Registering unit.* As used in §§ 1407.102-1407.110 such registering unit refers to the retailer¹ or wholesaler² establishments which are included within such registering unit.

§ 1407.102 *Prohibited deliveries.* On and after April 28, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall make delivery of sugar to any registering unit and no registering unit shall accept delivery of sugar from any person except upon the surrender to such person by the registering unit, pursuant to Rationing Order No. 3, of Certificates or Stamps having a total weight value equal to the quantity of sugar so delivered; except that any sugar which at the time of registration has been included in present inventory pursuant to § 1407.104, may be received without the surrender of Certificates or Stamps. On and after April 28, 1942, no registering unit shall accept delivery of any sugar and no registering unit shall make delivery of any sugar until it has been registered pursuant to the provisions of § 1407.103 of Rationing Order No. 3.

§ 1407.103 *Registration and application: Eligibility.* (a) Registration and application for Certificates shall be made on April 28 or 29, 1942, for each registering unit upon OPA Form No. R-305 (Registration of Retailers and Wholesalers), at a registration site designated for the area in which the principal business office of the owner is located: *Provided*, That in order to be eligible for registration all of the component establishments selling at retail must have

¹ "Retailer" means an establishment which makes over 50 percent of its sales of all merchandise to consumers.

² "Wholesaler" means an establishment which makes over 50 percent of its sales of all merchandise to persons other than consumers, exclusive of sales made by a primary distributor. The term "wholesaler" does not include a primary distributor.

made deliveries of sugar at any time during the period from January 1, 1941, to April 20, 1942, or have commenced operations subsequent to April 20, 1942, and that component establishments selling at wholesale must have handled sugar at any time during the period from January 1, 1941, to December 1, 1941. Retail establishments which did not not handle sugar during the period from January 1, 1941, to April 20, 1942, or which commenced operations subsequent to April 28, 1942, and wholesale establishments which did not make deliveries of sugar during the period from January 1, 1941, to December 1, 1941, may petition for registration pursuant to the provisions of § 1407.163 of Rationing Order No. 3.

(b) The Form shall be presented for filing, and signed in the presence of a Registrar, by the owner, a partner (if the owner is a partnership), an officer (if the owner is a corporation, association, or similar organization), or manager of the owner. The Registrar in whose presence the Form is signed shall witness the signature and certify to the execution thereof.

(c) If the registering unit is composed of more than one establishment there shall be attached to the Registration Form a list of the establishments included, with the address of each: *Provided, however*, That a registering unit composed of establishments located on mobile conveyances, including vessels, need not list such mobile conveyances.

(d) The Registrar shall also insert on the Form the designation of the Local Rationing Board having jurisdiction over the registration site and at the close of the registration period the completed Form shall be filed with such Board.

§ 1407.104 *Present inventory.* The present inventory of a registering unit is the aggregate of all sugar in the possession of, or intended to be used by, the registering unit, to which, at the time of registration, the owner of the registering unit has title or holds documents of title, or which was in transit or stored for delivery to the registering unit and out of the possession of the vendor of the registering unit prior to April 28, 1942. The owner shall be deemed to have title to sugar regardless of the fact that it may have been mortgaged, pledged, or otherwise used as security in a credit transaction, or that its use may have been prohibited by any order of the War Production Board. Every person who owns one or more registering units must include all sugar to which he has title (except sugar held for personal use and sugar in the possession of his vendor) in the present inventories of such registering units, allocating such sugar among those of his registering units as he selects.

§ 1407.105 *Allowable inventory.* (a) A registering unit is permitted to obtain a working inventory of sugar which shall be known as the allowable inventory.

(b) The amount of the allowable inventory for a registering unit registering as a retailer is the quantity equal to one pound for each dollar of gross sales of all meats, groceries, fruits, vegetables, and similar products made during the

week ending April 25, 1942 (or, if the component establishment began operations after April 20, 1942, the estimated sales for the first complete calendar week of operations), or one-quarter of the sugar delivered to and accepted by the registering unit during the month of November 1941, whichever is smaller: *Provided*, That if the component establishment was not in operation during the full month of November 1941, or if the information concerning the quantity delivered to and accepted by the registering unit during November 1941 cannot be ascertained, the allowable inventory shall be computed solely on the basis of the aforementioned gross sales.

(c) The allowable inventory of a registering unit registered as a wholesaler is the quantity of sugar equal to the total obtained by taking the quotient arrived at by dividing the amount of sugar delivered to the registering unit in 1941 by twice the number of months it made deliveries of sugar during 1941, and adding thereto the quantity of sugar equal to the shipping unit by which the registering unit customarily took delivery of sugar on or about December 1, 1941.

§ 1407.106 *Issuance of Certificates at registration.* If the present inventory of the registering unit is less than the allowable inventory, a Certificate shall be issued by the Registrar to the registering unit in the amount applied for; in no event, however, shall the amount applied for be greater than the difference between the allowable inventory and the present inventory. If application is made for a Certificate in weight value less than the maximum for which such application may be made, the allowable inventory shall be reduced by the amount by which the maximum weight value for which application could be made exceeded the weight value of the Certificate applied for.

§ 1407.107 *Excess inventory.* The amount by which the present inventory exceeds the allowable inventory shall be known as the "excess inventory." The registration of a registering unit which has an excess inventory shall be completed, but such registering unit shall not be entitled to any Certificates at the time of registration. Before it may accept any deliveries of sugar such registering unit must surrender to the Board for cancellation Stamps or Certificates in weight value equal to the amount of the excess inventory.

§ 1407.108 *Deliveries to registering units after registration.* After registration, the allowable inventory of a registering unit may be replenished upon the surrender, pursuant to Rationing Order No. 3, of Stamps and Certificates received by the registering unit from the persons to whom its component establishments delivered sugar.

§ 1407.109 *Late registrations.* A registering unit which was not registered on April 28 or 29, 1942, may be registered thereafter at the office of the Board. In applying for late registration, the present inventory and the allowable inventory shall be computed and declared as of April 28, 1942.

§ 1407.110 *Records.* Establishments selling at retail or at wholesale shall keep records of all sugar received by them. An establishment operating as a wholesaler shall also keep a record of the names and addresses of all persons to whom sugar was delivered at wholesale and the quantities and dates of such deliveries. These records shall be kept at the office of the registering unit of which the establishment is a part and shall be made available for inspection by the Office of Price Administration and the Board. Such records shall be retained for a period of not less than 2 years.

Primary Distributors

§ 1407.121 *Deliveries by primary distributors.*¹ Except as is otherwise provided herein, a primary distributor may deliver sugar to persons not primary distributors, on and after April 28, 1942, only upon the receipt of Stamps or Certificates in the manner set forth in Rationing Order No. 3. The Stamps or Certificates received pursuant to such deliveries shall be sent by the primary distributor to the State Director in the State in which the principal office of such primary distributor is located.

§ 1407.122 *Records of primary distributors.* The primary distributor shall preserve for a period of 2 years at his principal business office records of all sugar delivered by him, the persons to whom such deliveries were made and the amounts thereof, the serial numbers of all Certificates received therefor, the weight value of such Certificates, and the amount of sugar delivered against them. The primary distributor shall, in each month, send to the State Director a report of all deliveries made to the Army or Navy or any of the persons or agencies listed in paragraph (b) of § 1407.183.

Sugar Purchase Certificates, War Ration Books, and War Ration Stamps

§ 1407.141 *Nature and validity of Certificates and Stamps.* (a) A Certificate or Stamp may be transferred only for the purpose of authorizing the consumer or registering unit to whom the Certificate or Stamp was issued to take delivery of the amount of sugar specified on the Certificate or assigned to the Stamp in § 1407.243, Schedule C of Rationing Order No. 3, and to permit the registering unit to which the Certificate or Stamp has been surrendered to take delivery of sugar in order to replenish its sugar inventory. Stamps in the hands of a consumer are valid only if attached to a War Ration Book.

(b) Each Stamp authorizes delivery of sugar to a consumer only during the ration period assigned to that Stamp in

§ 1407.243, Schedule C. The Stamp permits a registering unit to which it has been surrendered by a consumer in accordance with Rationing Order No. 3, to receive the amount of sugar assigned to the Stamp in Schedule C within ten (10) days of the close of the ration period during which the Stamp was valid. A Certificate authorizes the person to whom it was issued to take delivery within sixty (60) days from the valid date of the Certificate, of the amount of sugar specified thereon. A Certificate authorizes a primary distributor or a registering unit to which it has been duly surrendered in accordance with Rationing Order No. 3, to make a delivery of sugar within a period of thirty (30) days from the date set forth in the last endorsement on the reverse of the Certificate.

(c) If there are surrendered to a wholesaler or primary distributor Certificates or Stamps having a weight value equivalent to a quantity of sugar which cannot be delivered in standard shipping packages, or standard shipping units, as the case may be, the wholesaler or primary distributor may deliver either the exact quantity of sugar called for by the Certificates and Stamps or, at his option, the quantity contained in standard shipping packages, or standard shipping units most closely approximating the amount called for by such Certificates and Stamps. If the amount delivered is less than the weight value of the Certificates and Stamps, the wholesaler or primary distributor shall credit the person to whom he delivered the sugar with the excess of the Certificates and Stamps. The excess shall be added to the amount of sugar which may thereafter be delivered to such person. If the amount of sugar delivered is greater than the amount of the Certificates and Stamps, the wholesaler or primary distributor shall charge such person with the excess and also charge the excess against the next Certificates and Stamps surrendered to him by such person.

§ 1407.142 *Surrender of Certificates and Stamps.* (a) Certificates or Stamps must be surrendered by the consumer or registering unit receiving the sugar to the primary distributor or registering unit delivering the sugar at or before the time of delivery. A Stamp must be detached by the consumer or the person acting on his behalf from the War Ration Book of the consumer only in the presence of the person making delivery of the sugar. Before a Certificate is surrendered, the proper endorsement on the reverse side shall be completed by the holder of the Certificate.

(b) A registering unit to which Stamps are surrendered by a consumer must paste the Stamps on OPA Form No. R-304 (War Ration Stamp Card), or upon a similar card; only Stamps bearing the same number may be affixed to the Card. When a registering unit surrenders a Card for the purpose of authorizing a delivery of sugar to it, the name and address of the registering unit surrendering the Card and the name and address of the registering unit to whom the Card

¹ "Primary distributor" means any person who manufactures sugar or the agent of any such person, or any person who delivers sugar to the continental United States from offshore areas or any person who takes such delivery or the agent of any such person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

is being surrendered shall be written across the face of the Card by the former. A registering unit which delivers sugar in exchange for Cards, and any registering unit which takes delivery of sugar from a primary distributor must surrender them to the Board within ten (10) days after their receipt. The registering unit may, at the same time, surrender any Certificates received by it. At the time of such surrender there shall be completed and submitted with the surrendered Cards and Certificates, if any, OPA Form No. R-309 (Stamp Card Exchange Receipt). The Board receiving such Cards and Certificates, together with the Exchange Receipt, shall thereupon issue to the registering unit a Certificate in weight value equal to the surrendered Stamps and Certificates.

§ 1407.143 *Type of sugar authorized.* A Certificate or Stamp shall authorize delivery and receipt of any kind, type, or grade of sugar.

§ 1407.144 *Transfer of establishments.* (a) If an entire establishment including the good will is transferred to a person the sugar inventory of the establishment may be transferred to such person without the surrender of Certificates or Stamps.

(b) An establishment acquired by transfer which is continued in substantially the same manner as prior to the transfer shall be entitled to receive Certificates at the time of registration and thereafter, and to take deliveries of sugar to the same extent as prior to the transfer. All certificates and Stamps held by the establishment at the time of transfer shall be surrendered by the person acquiring the establishment to the Board having jurisdiction over the establishment. At the time of such surrender, if the establishment is being continued, such person may apply for replacement Certificates authorizing deliveries of an amount of sugar equal to that authorized by the surrendered Certificates and Stamps. The application therefor shall be made to the Board upon OPA Form No. R-315 by such person or his authorized agent. Replacement Certificates shall be issued, after transfer, only if the establishment is to be continued in substantially the same form.

(c) Registration and application as a new establishment may be made for any establishment denied replacement Certificates with the Board having jurisdiction over it.

(d) Upon the liquidation of an establishment, sugar in its possession may be delivered only to persons surrendering Certificates or Stamps in weight values equivalent to the sugar delivered to them. All Certificates or Stamps thus received, as well as Stamps and Certificates otherwise in its possession, shall be surrendered for cancellation by the person in charge of the liquidation to the Board having jurisdiction over the establishment.

(e) In the event of transfer, liquidation, or cessation of operation of an establishment operating as an industrial or institutional user and constituting part of a registering unit, any sugar allotment made thereafter to the registering unit shall be reduced by the amount applicable to such establishment.

(f) Transfers referred to in this section include disposal or acquisition by way of mergers, consolidations, purchases and sales, devise or bequest and inheritance, gift, and transfers involved in bankruptcies, receiverships, reorganizations, and assignments for the benefit of creditors.

§ 1407.145 *Judicial seizure of Certificates, Stamps, and sugar.* (a) No Certificate or Stamp nor any interest therein may be seized by execution, levy, attachment, or other judicial process or acquired through devise or bequest or inheritance other than is provided in § 1407.144 with regard to the transfer of an establishment holding Certificates or Stamps.

(b) Sugar in the possession of any person may be seized pursuant to judicial process or order issued by a court of competent jurisdiction without the surrender of Certificates or Stamps. Delivery of such sugar may be made to a person or registering unit other than the one from whom it was taken only upon receipt of Certificates or Stamps in weight value equal to the amount of sugar delivered. The Certificates or Stamps thus received shall be surrendered for cancellation to the Board with which the person from whom the sugar was seized is registered.

§ 1407.146 *Acquisition of sugar for carriage, storage, or security; disposal.*

(a) Sugar may be delivered by a registering unit to any person for carriage, storage, or security purposes without the surrender of Stamps or Certificates. The sugar may thereafter be delivered either to the registering unit from whom the sugar was received or to the registering unit to whom the warehouse receipt or bill of lading, if any, issued in connection with such sugar has been duly transferred.

(b) Any person who has possession of sugar which he holds as bailee or on which he has a lien or to which he has title for security purposes only, who desires to acquire title to the sugar or to foreclose his lien or the interest of the debtor in the sugar must, if demand is made by the registering unit from which the sugar was received or the assignee of such sugar, first apply to and obtain from the Board having jurisdiction over the area in which his principal business office is located a Certificate in the weight value of the amount of sugar thus held by him. The application shall be made on OPA Form No. R-315 (Special Purpose Application) and shall state the manner in which possession of the sugar was acquired and the disposition proposed to be made of the sugar. The Certificate, when issued, shall be immediately surrendered to the registering unit from which the sugar was received or to the assignee of such sugar as the case may be. The sugar may thereafter be disposed of by such person but only as follows: The sugar may be delivered to a consumer or registering unit upon receipt of Certificates or Stamps as prescribed by Rationing Order No. 3, and the Certificates or Stamps thus received shall be surrendered for cancellation to the Board by the person disposing of the

sugar; or, if such person is a registering unit operating as an institutional or industrial user, the sugar may be used by it in its operations, and in this event the amount thus used shall be deducted from the quantity of sugar to which such registering unit is entitled in the subsequent calendar month or months.

(c) Any Certificate issued by a Board pursuant to paragraph (b) shall merely be evidence that the person to whom the Certificate was issued has complied with Rationing Order No. 3, and shall not be construed as evidence that he was authorized to dispose of the sugar by the applicable law.

§ 1407.147 *Destroyed, stolen, or spoiled sugar.* A registering unit whose sugar is destroyed, stolen, or spoiled may apply for a certificate authorizing it to take delivery of an amount of sugar equal to the amount thus destroyed, stolen, or spoiled. The application therefor shall be made to the Board upon OPA Form No. R-315 by said registering unit. The Board, in a proper case, shall grant the application.

§ 1407.148 *Destroyed, mutilated, or stolen Certificates, Stamps, and War Ration Books.* (a) A Certificate that is torn or mutilated shall be valid only if more than one-half thereof remains legible and such remaining portion clearly evidences the date of the certificate, its weight value, and the name of the holder. A Stamp that has been torn or mutilated is valid in the hands of the consumer only if more than one-half remains undetached in the War Ration Book.

(b) If a Certificate or Stamp held by a registering unit is lost, destroyed, or stolen, or becomes invalid because of mutilation, the person entitled to such Stamp or Certificate may apply for a new Certificate in the weight value equal to that of the replaced Stamp or Certificate. The application therefor shall be made to the Board upon OPA Form No. R-315 by such person or his authorized agent. The Board, in a proper case, shall grant the application.

(c) If a War Ration Book held by a consumer is lost, destroyed, or stolen the consumer may apply for a replacement War Ration Book. The application therefor shall be made to the Board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit or by an authorized agent. The Board, in a proper case, shall grant the application. If the application is granted the Board shall remove from any replacement War Ration Book all Stamps that were removed from the lost, stolen, or destroyed Book and all Stamps applicable to all rationing periods that have expired. Under no circumstances shall any person be issued a War Ration Book to replace one that has been lost, stolen, or destroyed until a period of not less than two months has elapsed since the date when he applied to the Board for a replacement War Ration Book.

§ 1407.149 *Drop Shipments.* Any registering unit from which delivery of sugar is requested, if the parties so agree, may direct the registering unit requesting delivery to take the sugar from the premises of a third party or may direct

the third party to deliver the sugar. In such event the registering unit from which delivery of sugar was requested shall surrender to the third party as authority for the delivery any Stamps or Certificates received from the registering unit to which the sugar is delivered.

§ 1407.150 *Subdividing certificates.* Any person entitled to a Certificate and any person holding a Certificate may receive in exchange therefor Certificates in different denominations, dated as of the date of their issuance and having the same aggregate weight value as the Certificate to which he is entitled or which he holds. There shall not be issued to such person in exchange more than four Certificates: *Provided, however,* That the Board may by reason of the size or nature of the business or operations conducted permit the issuance of any number of Certificates which is reasonable under the circumstances.

§ 1407.151 *Duty to ascertain validity of Certificates and Stamps.* No person shall make delivery of sugar if he knows or has reason to know that the Certificate or Stamp involved was not acquired by the person surrendering it in accordance with Rationing Order No. 3.

§ 1407.152 *Notification to Office of Price Administration of legal proceedings.* It shall be the duty of every person holding a Certificate or Stamp to notify the Regional or Field Office of the Office of Price Administration immediately upon the commencement of any legal action or proceeding involving a Certificate or Stamp.

§ 1407.153 *Issuance of Certificates.* Certificates may be signed and issued by a Registrar, a member of the Local Rationing Board, or by such other persons as the Office of Price Administration may designate.

Petitions for Adjustment: Appeals: New Business: Miscellaneous

§ 1407.161 *Petitions for adjustment of base, allotment, or allowable inventory.* Petition may be made by an owner for adjustment in the sugar base, allotment, or allowable inventory of a registering unit. The petition shall be made upon OPA Form No. R-315 (Special Purpose Application). The petition shall be filed with the Board with which the unit is registered. The Board may request such additional information as it may deem pertinent and shall, within ten days after the receipt of the petition, send it, together with all substantiating evidence and information received by the Board, to the Office of the State Director. The Board shall attach to the Form its recommendation concerning the action to be taken thereon. The petitioner may thereafter be requested to furnish further information and to appear personally.

§ 1407.162 *Appeals by registering units to State Directors.* An owner may appeal to the State Director from any decision of the Board adverse to the registering unit by filing with the Board a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than ten days after the making of the decision. Within five days after the receipt of the statement, the Board shall

send it, and all other papers concerning the registering unit involved, to the State Director. Thereafter the proceedings shall be as is provided in § 1407.161 with regard to petitions for adjustment.

§ 1407.163 *New establishments and ineligible establishments desiring sugar.*

(a) Any person desiring to obtain sugar for an establishment not eligible for registration pursuant to Rationing Order No. 3 may petition the Board having jurisdiction over the area in which such establishment is, or will be, located, for registration and assignment to such establishment of an allowable inventory, provisional allowance, or allotment, as the case may be. The petition shall be made upon OPA Form No. R-315 and the proceedings thereafter shall be the same as is provided in § 1407.161 with regard to petitions for adjustment.

(b) Establishments referred to in this section include those which commenced operations subsequent to April 20, 1942.

§ 1407.164 *Correction of registration: Composition of registering unit.* A registration made upon OPA Form No. R-305 (Registration of Retailers and Wholesalers) or upon OPA Form No. R-310 (Registration of Institutional and Industrial Users) may be corrected so as to eliminate clerical errors. The composition of a registering unit, however, may be changed only pursuant to authorization of the Office of Price Administration. A petition for change of composition of a registering unit shall be in writing and filed with the Board: *Provided, however,* That the owner of a registering unit may add to the registering unit an establishment owned by him which commenced operation subsequent to April 29, 1942, without obtaining such authorization, but notification thereof shall be sent to the Board and the State Director. If the owner desires to obtain a new allowable inventory, provisional allowance, or allotment for the registering unit because of the addition of such establishment he shall make application pursuant to the provisions of § 1407.163.

§ 1407.165 *Finality of findings.* All findings made by any Local Rationing Board, or the Office of Price Administration shall be final, except as may otherwise be provided in Rationing Order No. 3.

§ 1407.166 *Exchange of sugar.* Any person may exchange sugar of different types with any other person if the weights of the sugars exchanged are equal. No Stamps or Certificates shall be necessary to authorize deliveries of sugars involved in such exchanges. If there is a price differential between the sugars exchanged, adjustments may be made between the parties provided that such adjustments do not affect the amount of sugar delivered and are consistent with the maximum prices established by the Office of Price Administration.

§ 1407.167 *Investigatory agencies.* Any investigatory or enforcement agency of a Federal, State, or Local Government which requires deliveries of sugar for the performance of its functions shall receive from the Board located in the area in which the agency is situated War Ration Books or Certificates. Sugar acquired by the agency shall be delivered

by it to any Federal, State, or Local institution, which shall acknowledge receipt of the sugar and the amount thereof to the Board which issued the Certificates or War Ration Books. When the purpose for which any Book has been obtained under this section has been effected such Book shall be returned to the Board.

Armed Forces of the United States: Certain Other Persons and Agencies

§ 1407.181 *Army and Navy Personnel.* (a) Army and Navy personnel subsisted in kind or in organized messes shall not be eligible to register and apply for War Ration Books. All other Army and Navy personnel are eligible to register and apply for War Ration Books in accordance with the provisions of Rationing Order No. 3 applicable to consumers.

(b) Army and Navy personnel in furlough status for a period of in excess of one week shall, upon the presentation of leave papers to any Local Rationing Board, receive from the Board a Certificate in weight value equal to the amount of sugar assigned to the Stamp valid for the ration period in which the application is made. The Board issuing the Certificate shall enter on the leave papers the designation of the Board and a statement that a Certificate has been issued by the Board and the date of the issuance.

§ 1407.182 *Issuance of Certificates by Army or Navy.* Whenever the Army or Navy, or any personnel thereof, shall require sugar from other than a primary distributor, an officer authorized by the Army or Navy shall issue a Sugar Purchase Certificate to the Army or Navy, or the members of its personnel requiring the sugar, as the case may be, in such amounts as may be required.

§ 1407.183 *Deliveries of sugar to certain persons and agencies.* (a) Any registering unit which delivers sugar to any of the persons or agencies enumerated in paragraph (b) of this section, or makes deliveries of sugar to and for consumption in Alaska may make such deliveries without receiving Stamps or Certificates in exchange therefor, and may apply to and obtain from the Board a Sugar Purchase Certificate in weight value equal to the amount of sugar delivered. The application shall be made upon OPA Form No. R-315 (Special Purpose Application) and shall set forth in detail evidence substantiating such deliveries.

(b) The persons and agencies included within the provisions of this section are the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, and any Government agency or other person acquiring such products for export to and consumption or use in any foreign country.

§ 1407.184 *Products containing sugar delivered to Army or Navy or certain other persons or agencies.* Any registering unit which has delivered products manufactured by it, in which it used sugar, to the Army or Navy of the

United States, or to any of the persons or agencies listed in paragraph (b) of § 1407.183 may apply to and obtain from the Board a Certificate in weight value equal to the amount of sugar used in such products. The application shall be made upon OPA Form No. B-315 (Special Purpose Application) and shall set forth the nature of the product, the period during which the product was manufactured, and detailed evidence substantiating the delivery of such product to the Army or Navy, or to any of said persons or agencies, as the case may be. In the event that the registering unit is unable to present as evidence a receipt from the Army, Navy, or other person or agency at the time the application is made, the Certificate may nevertheless be issued, but the registering unit must present the receipt to the Board promptly after it has been obtained.

Enforcement

§ 1407.201 *Prohibited sale.* (a) No person shall sell or otherwise dispose of any sugar with knowledge, or under circumstances from which it might reasonably appear to such person, that it is the intention of the person to whom the sugar is sold or otherwise disposed of, to use it, or to resell it or otherwise dispose of it to another person for use in violation of the laws of the United States, including use in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States.

(b) A sale or other disposition of sugar by a person (hereinafter called the transferor) to any other person, following receipt by the transferor of written notice from the Office of Price Administration that such other person has used sugar in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States, shall be *prima facie* evidence of a willful violation of this section by the transferor.

§ 1407.202 *Unlawful use or possession.* No person shall at any time either use or have in his possession or under his control or take delivery of any sugar, Certificates, Stamps or War Ration Books, where such possession, control, or acquisition is in violation of Rationing Order No. 3.

§ 1407.203 *Criminal penalties.* Any violation of Rationing Order No. 3 is a crime punishable by a fine of not more than \$10,000.00 or imprisonment of not more than one year, or both.

§ 1407.204 *Cancellation of Privileges and Reallocation of Sugar.* (a) Any person operating an establishment or establishments who violates Rationing Order No. 3 in the conduct of any of such establishments shall be required to surrender for cancellation to the Office of Price Administration all Stamps or Certificates held by him in conjunction with the operation of all such establishments. Any such person shall also be prohibited, either permanently or for such time as may be deemed appropriate, from receiving

any other Stamps or Certificates, and from receiving any material which now or in the future may be subject to rationing or allocation, and from in any manner delivering or dealing in any such material.

(b) Any person may be prohibited, either permanently or for such time as may be deemed appropriate, from delivering or agreeing to deliver any material which now or in the future may be subject to rationing or reallocation to any person who violates Rationing Order No. 3, except material for the personal use of such person.

(c) Sugar transferred in violation of Rationing Order No. 3 shall be subject to requisition and reallocation and distribution by the appropriate Officers or Agents of the United States.

Effective Date

§ 1407.221 *Effective date of Rationing Order No. 3.* Rationing Order No. 3 (§§ 1407.1 to 1407.243, inclusive) shall become effective April 20, 1942.

Schedules

§ 1407.241 *Schedule A: Tables of sugar allowance per unit of product for determination of provisional allowance.*

TABLE I—CANNED VEGETABLES

Product	Size of unit	Maximum sugar allowance per unit in pounds
Beets.....	24/2's	0.32
Carrots.....	24/2's	.16
Carrots and peas.....	24/2's	.40
Corn—cream.....	24/2's	1.25
Corn—whole kernel.....	24/2's	.80
Corn—vacuum pack.....	24/12 oz.	.60
Peas.....	24/2's	.60
Succotash.....	24/2's	1.10
All other vegetables.....		No sugar

TABLE II—CANNED FRUITS AND FRUIT JUICES

Product	Size of unit	Maximum sugar allowance per unit in pounds
Each fruit.....	24/2's.....	90 percent of average quantity of sugar used per unit of all grades (converted into 24/2's) during 1941.
Each fruit juice....	Gallon.....	90 percent of average quantity of sugar used per unit of all grades during 1941.

TABLE III—CONVERSION FACTORS FOR CASE EQUIVALENTS FOR USE IN TABLES I AND II OF THIS SCHEDULE

Size of case	Conversion factors to case of 24/2's	Conversion factors to case of 24/2's
Case of 48 No. 1 tall.....	1.63	1.12
Case of 24 No. 300.....	.74	.51
Case of 24 No. 12 oz. vacuum.....	.72	-----
Case of 24 No. 303.....	.82	.57
Case of 24 No. 2.....	-----	.69
Case of 24 No. 2 1/2.....	1.45	-----
Case of 6 No. 10.....	1.33	-----

TABLE IV—FROZEN FRUIT

Product	Unit (quantity of fruit)	Pack- ed in con- tainers of 30- lb. weight or greater	Quantity of sugar allowed in pounds per unit of fruit
Apples and crabapples.....	Pounds	1	None
Apricots.....	3	1	1
Cherries.....	4	1	1
Citrus pulp and Citrus marmalade base.....	5	1	None
Loganberries.....	4	None	1
Nectarines.....	3	1	1
Peaches.....	3	1	1
Plums, all types.....	4	1	1
Raspberries.....	4	1	1
Raspberry puree.....	4	1	None
Rhubarb.....	6	1	None
Strawberries.....	6	2	1 1/2
All other fruits.....		None	None

TABLE V—CANNED OR CURED MEATS, FISH, AND POULTRY REGARDLESS OF HOW PACKAGED

Product	Size of unit	Quantity of sugar allowed, in pounds, per unit of product
Pork Products, dry cured.....	100 pounds (unprocessed).	1.30
Pork Products, sweet pickled.....	100 pounds (unprocessed).	1.00
Beef, dried and corned and beef tongues.....	100 pounds (unprocessed).	1.00
Canned luncheon meats and canned spiced ham.....	100 pounds (unprocessed).	1.00
Dry sausage.....	100 pounds (unprocessed).	.75
Fresh sausage and baked loaves.....	100 pounds (unprocessed).	.50
Lamb tongue and lunch tongue.....	100 pounds (unprocessed).	.75
Each type of pickled or cured fish, shellfish, or poultry product.....	100 pounds (unprocessed).	(1)

¹ 70 percent of amount used per unit of same product during 1941.

TABLE VI—BEE FEEDING

In order to determine the number of pounds of sugar to be allowed for any period for feeding bees multiply the number of colonies of bees to be fed during the calendar year by 10 and multiply the product by the quotient obtained after dividing the number of weeks during which the bees are fed within the period for which the application is made by the total number of weeks such bees are fed during the full calendar year. For example, assuming a registering unit feeds 50 colonies sugar during the calendar year and that the bees are fed during 5 weeks of the year, 2 of which are in the period for which the application is made, the provisional allowance will be determined as follows:

$$50 \times 10 \times \frac{2}{5} = 200$$

§ 1407.242 *Schedule B: Monthly allotment percentage for institutional and industrial users.*

Use	Percentage of sugar base
(a) Meals or food services.....	50
(b) Bread.....	70
(c) Other bakery products.....	70
(d) Cereal products, batters, mixes.....	70
(e) Confectionery, candy, chocolate, chewing gum, cocoa.....	70
(f) Ice cream, sherbets, frozen custards.....	70
(g) Other dairy products, condensed milk, cheese, etc.....	70
(h) Preserves, jams, jellies, fruit butters.....	70
(i) Production of bottled beverages, flavoring extracts and syrups.....	70
(k) Specialties: Desserts, puddings, drink mixes, pickles, table syrups, mince meat, catsup, chile sauce, salad dressing, soups, tomato sauces.....	70
(m) Non-food products, drugs and medicines, soaps, tobacco, insecticides, adhesives, leather.....	70
(n) Other.....	70

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp value during ration period	Weight value of stamp
No. 1 (May 5 to May 16, 1942)....	Stamp No. 1	Lb. 1
No. 2 (May 17 to May 30, 1942)....	Stamp No. 2	1
No. 3 (May 31 to June 13, 1942)....	Stamp No. 3	1
No. 4 (June 14 to June 27, 1942)....	Stamp No. 4	1

Issued this 21st day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3529; Filed, April 21, 1942;
11:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte No. 152]

Subchapter C—Carriers by Water

PART 315—EXEMPTION OF CONTRACT CARRIERS

CHARTERING OF VESSELS TO THE UNITED STATES

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 17th day of April, A. D. 1942.

It appearing, That a number of vessel owners have, during the period of war emergency, chartered their vessels to the United States Government or to agencies thereof for use by the Government in transporting its own property in interstate or foreign commerce;

It further appearing, That under the provisions of section 302 (e) of the Interstate Commerce Act, the furnishing for compensation (under a charter, lease, or

other agreement) of a vessel, to a person other than a carrier subject to the Act, to be used by the person to whom such vessel is furnished in the transportation of its own property, shall be considered to constitute, as to the vessel so furnished, engaging in transportation for compensation by the person furnishing such vessel, within the meaning of the definition of "contract carrier by water," and that the Commission whenever it determines that the application of that section to any person or class of persons is not necessary in order to effectuate the national transportation policy declared by the Act, shall by order exempt such person or class of persons from the provisions of part III of the Act for such period of time as may be specified in such order;

And it further appearing, That the application of the said section to the persons or class of persons who charter vessels to the United States Government or to an agency thereof for use by the Government in transporting its own property in interstate or foreign commerce is not necessary in order to effectuate the national transportation policy declared in the Act and the Division having so found;

It is ordered, That the following regulations be issued to continue in effect until the further order of the Commission:

§ 315.2 *Chartering of vessels to the United States.* The chartering of vessels to the United States Government or any department or agency thereof for use by the Government in the transportation of its own property, in interstate or foreign commerce, be, and it is hereby, exempted from the requirements of part III of the Interstate Commerce Act until the further order of the Commission. (Sec. 302 (e) 54 Stat. L. 932, 49 U.S.C. 903)

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-3499; Filed, April 20, 1942;
2:16 p. m.]

Notices

DEPARTMENT OF THE INTERIOR

Bituminous Coal Division

[Docket No. B-228]

IN THE MATTER OF H. J. DOBSON, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on April 23, 1942, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it is hereby postponed from April 23, 1942, to a date and at a place to be

hereafter designated by an appropriate order.

Dated: April 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3512; Filed, April 21, 1942;
11:02 a. m.]

[Docket No. B-189]

IN THE MATTER OF WHEELING VALLEY COAL CORPORATION, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on January 16, 1942, by Bituminous Coal Producers Board for District No. 6, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Wheeling Valley Coal Corporation, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on May 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an

appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and Regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member, Wheeling Valley Coal Corporation, whose address is Wheeling, West Virginia, and which operates the Richland and Costanzo Mines, Mine Index Nos. 19 and 8, respectively, Ohio County, West Virginia, and the Devenny Mines Nos. 1 and 2, Mine Index Nos. 26 and 31, respectively, Brooke County, West Virginia, as follows:

I. Section 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code, Rule 1 of Section III of the Marketing Rules and Regulations

By selling, through its sales agent, the Costanzo Coal Mining Company, to the J. Q. Clarke Coal Company, Inc., Buffalo, New York, registered distributor, 171 cars (7521.95 net tons) of coal produced at said Richland and Costanzo Mines, or either of them, during the period from October 1, 1940, to February 4, 1941, both dates inclusive, which was physically handled and resold by J. Q. Clarke Coal Company, Inc., in less than cargo or railroad carload lots through its retail yard and by granting thereon a discount of 17 cents per net ton below the effective minimum prices with knowledge that said J. Q. Clarke Coal Company, Inc., would physically handle and resell said coal through its retail yard in less than cargo or railroad carload lots.

II. Section 4 II (e) and (h) of the Act and 4 II (e) and (h) of the Code, Rule 1 of Section III of the Marketing Rules and Regulations

By selling, through its sales agent, the Costanzo Coal Mining Company to J. Q. Clarke Coal Company, Inc., a registered distributor, during the period from October 17, 1940 to February 3, 1941, both dates inclusive, 12 carloads of coal (509.25 net tons) produced at said Richland and Costanzo Mines, or either of them, which was resold by said J. Q. Clarke Coal Company, Inc., to International Railway Company, George Irvin Mill Co., Niagara Macaroni Corp., H. J. Heinz Company, George Irish Paper Company, and Eastern Grain Elevator Company, and by granting to said J. Q. Clarke Coal Com-

pany, Inc., a discount of 17 cents per net ton on such sales, whereas the Order Prescribing Due and Reasonable Maximum Discounts provides that not more than 12 cents per net ton may be granted as a discount upon such sales.

III. Section 4 Part II (e) and (g) of the Act, Part II (e) and (g) of the Code

By selling and delivering, through its sales agent, the Costanzo Coal Mining Company, to the Weirton Steel Company, Weirton, West Virginia, f. o. b. the plant of said Weirton Steel Company located at Weirton, West Virginia, at a price of \$1.15 per net ton, 2226.05 net tons of 2" nut and slack coal during December 1940 and 3881.45 net tons of 2" nut and slack coal during January 1941 produced at said Devenny No. 1 mine whereas the effective minimum price for said coal was \$1.90 per net ton f. o. b. mine as set forth in the Schedule of Effective Minimum Prices for District No. 6 For Truck Shipments, and by failing to add to said applicable f. o. b. mine prices an amount at least equal as nearly as practicable to the actual transportation charges, handling charges or incidental charges of whatsoever kind or character from the transportation facilities at the mine to the plant of the Weirton Steel Company at Weirton, West Virginia, as required by Price Instruction No. 6 of said schedule as amended in Supplement No. 1.

IV. Section 4 Part II (e) of the Act, Part II (e) of the Code

By selling f. o. b. the mines for railroad shipment, through its sales agent, the Costanzo Coal Mining Company to the Universal Cyclops Steel Corporation, Titusville, Pennsylvania, substantial quantities of coal produced at said Richland and Costanzo Mines, below the effective minimum prices established therefor as set forth in the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck, as follows:

A. COAL PRODUCED AT THE RICHLAND MINE

Month	Tonnage	Sizes	Sales price f. o. b. mine	Effective minimum price f. o. b. mine
October 1940....	220.65	1/4" x 1 1/4" nut....	\$1.50	\$1.85
	191.95	3/4" x 1 1/4" nut....	1.50	1.85
	128.55	1 1/4" x 2" nut....	1.50	1.85
	112.25	2" x 4" egg....	1.70	2.10
	113.10	2" x 5" egg....	1.70	2.10
	45.95	2" x 6" egg....	1.70	2.10
November 1940	244.90	1/4" x 1 1/4" nut....	1.50	1.85
	89.15	3/4" x 1 1/4" nut....	1.50	1.85
	157.60	1 1/4" x 2" nut....	1.50	1.85
	321.15	1 1/4" x 2" nut....	1.50	1.85
	266.55	2" x 4" egg....	1.70	2.10
	250.15	2" x 5" egg....	1.70	2.10
	66.25	2" x 6" egg....	1.70	2.10
December 1940.	848.90	1 1/4" x 2" nut....	1.50	1.85
	181.35	2" x 4" egg....	1.70	2.10
	279.60	2" x 5" egg....	1.70	2.10
January 1941....	575.35	3" x 5" egg....	1.70	2.15
February 1941.	131.20	1 1/4" x 1 1/4" nut....	1.50	1.85
	378.80	1 1/4" x 2" nut....	1.50	1.85
March 1941....	152.15	1 1/4" x 2" nut....	1.50	1.85
	320.35	2" x 5" egg....	1.70	2.10

B. COAL PRODUCED AT THE COSTANZO MINE

January 1941....	1,410.25	1 1/4" x 2" nut....	\$1.50	\$1.85
February 1941.	306.85	3" x 5" egg....	1.70	2.15
March 1941....	251.35	3 1/4" x 1 1/4" nut....	1.60	1.85
	66.85	1 1/4" x 2" nut....	1.50	1.85
	125.40	3 1/4" x 2" nut....	1.50	1.85
Total.....	7,236.60			

V. Section 4 Part II (e) of the Act, Part II (e) of the Code

By selling f. o. b. the Richland and Costanzo Mines, or either of them, for rail shipment, through its sales agent, the Costanzo Coal Mining Company to the Globe Brick Company, Kennilworth, West Virginia, substantial quantities of coal produced at said mines, below the effective minimum prices established therefor as set forth in the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck as follows:

Month	Tonnage	Size	Sales price f. o. b. mine	Effective minimum price f. o. b. mine
October 1940....	2,052.70	1 1/4" lump....	\$2.00	\$2.05
	486.70	4" lump....	2.00	2.30
	121.25	5" lump....	2.00	2.30
	365.20	3" x 5" egg....	2.00	2.30
November 1940.	345.00	1 1/4" lump....	2.00	2.05
	240.50	4" lump....	2.00	2.30
	371.60	5" lump....	2.00	2.30
December 1940.	1,555.25	2" lump....	2.00	2.10
	140.60	2" lump....	2.00	2.10
	51.15	3" x 5" egg....	2.00	2.30
Total.....	5,729.95			

VI. Section 4 II (e) of the Act, Part II (e) of the Code, Section 4 II (i) (8) of the Code, Order in General Docket No. 19 Dated October 9, 1940, Rule 8 of Section XIII of the Marketing Rules and Regulations

By selling through its sales agent, the Costanzo Coal Mining Company, for rail shipment to the Globe Brick Company, Kennilworth, West Virginia, at a price of \$2.00 per net ton f. o. b. the Richland Mine, a mixture of 5,615.3 tons of 2" lump coal, which was produced at the Devenny No. 1 Mine and the Richland Mine, whereas the effective minimum price for 2" lump coal produced at the Richland Mine was \$2.10 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck and whereas no effective minimum prices, temporary or final, were established f. o. b. the Richland Mine for the sale of coal produced at the Devenny Mine, and by filing invoices with the Statistical Bureau for District No. 6 falsely reporting that all of the above-mentioned coal originated at the Devenny Mine and not showing thereon that any portion of said coal originated at the Richland Mine.

VII. Rule 1 (f) of Section XI of the Marketing Rules and Regulations, Section 4 II (e) of the Act and Part II (e) of the Code

By substituting upon an order for Run of Mine coal taken by its sales agent, the

Costanzo Coal Mining Company, and delivering to the Pennsylvania Railroad Company, during the period commencing October 1, 1940, and ending March 31, 1941, at a price of \$2.05 per net ton f. o. b. the Richland and Costanzo Mines, 73,038.05 net tons of egg coal produced at said mines, for which the effective minimum price was \$2.20 per net ton f. o. b. said mines as set forth in the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck. In making said substitutions, the Wheeling Valley Coal Corporation failed to comply with conditions set forth in Rule 1 of section XI, paragraphs (a), (b), (c) and (d).

VIII. Rule 13 of Section II of the Marketing Rules and Regulations

By paying to the Pocahontas Coal Corporation a commission of 12 cents per net ton for sales on said code member's behalf of approximately 5502.90 tons of coal during the period from December 31, 1940, to January 31, 1941, both dates inclusive, which commissions were 7 cents per net ton in excess of the maximum discount allowed to a registered distributor on sales of on-line railroad fuel, as established by Order of the Director dated June 19, 1940, General Docket No. 12, and which commissions were paid pursuant to a sales agency agreement entered into between Costanzo Coal Mining Company and Pocahontas Coal Corporation on October 4, 1940, on behalf of said code member by Costanzo Coal Mining Company, its sales agent, and filed with the Division on or about October 16, 1940, and although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor as required by Rule 13 of section II of the Marketing Rules and Regulations.

IX. Order in General Docket No. 19 Dated October 9, 1940

By selling, through its sales agent, the Costanzo Coal Mining Company, 261.69 net tons of 2" nut and slack coal during November 1940 and 644.25 tons of 1 1/4" slack coal during December 1940, produced at said Devenny No. 1 Mine, to the Toronto Paper Company for delivery f. o. b. its Toronto, Ohio, plant at a sales price of \$1.95 per net ton f. o. b. said plant.

Said coal was delivered by truck from the mine to the Ohio River, dumped in barges, transported to Toronto, Ohio, loaded into trucks and carried a distance of 0.6 of a mile to the bins of said Toronto Paper Company. The above transactions constituted violations of the Order in General Docket No. 19 dated October 9, 1940, in that minimum prices, temporary or final, for shipments in the above described manner had not been established by the Division for said mines.

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3513; Filed, April 21, 1942; 11:02 a. m.]

[Docket No. B-190]

IN THE MATTER OF COVE HILL COAL COMPANY, A CORPORATION, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on January 16, 1942, by Bituminous Coal Producers Board for District No. 6, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Cove Hill Coal Company, a corporation, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on May 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from

violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member, Cove Hill Coal Company, whose address is Box 171, Hollidays Cove, West Virginia, which operates the Three Springs Mine #1 and the Three Springs Mine #2, Mine Index Nos. 21 and 24, respectively, Hancock County, West Virginia, as follows:

I. Section 4 Part II (e) and (g) of the Act Part II (e) and (g) of the Code

By selling and delivering through its sales agent, the Costanzo Coal Mining Company, to the Weirton Steel Company, Weirton, West Virginia, f. o. b. the plant of said Weirton Steel Company located at Weirton, West Virginia, substantial quantities of coal below the effective minimum f. o. b. mine prices established therefor as set forth in the Schedule of Effective Minimum Prices for District No. 6 for Truck Shipments, and by failing to add to said applicable f. o. b. mine prices an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges or incidental charges of whatsoever kind or character from the transportation facilities at the mine to the plant of the Weirton Steel Company at Weirton, West Virginia, as required by Price Instruction No. 6 of said schedule, as amended in Supplement No. 1, as follows:

A. COAL PRODUCED AT THREE SPRINGS NO. 1 MINE

Month	Tonnage	Size	Sales price f. o. b. Weirton plant	Effective minimum price f. o. b. mine
October 1940...	1,460.85	Run of mine...	\$1.10	\$2.10
	5,038.33	2" N & S...	1.10	1.90
November 1940...	3,555.68	2" N & S...	1.15	1.90
December 1940...	3,939.97	2" N & S...	1.15	1.90
January 1941...	3,046.50	2" N & S...	1.15	1.90
February 1941...	2,506.60	2" N & S...	1.15	1.90
March 1941...	1,873.55	2" N & S...	1.15	1.90

B. COAL PRODUCED AT THREE SPRINGS NO. 2 MINE

October 1940...	25,398.12	5/8" lump...	\$1.10	\$2.20
November 1940...	22,552.02	5/8" lump...	1.15	2.20
	1,932.20	2" lump...	1.15	2.50
December 1940...	942.60	2" lump...	1.15	2.50
	18,716.63	4" N & S...	1.15	2.10
January 1941...	16,906.40	4" N & S...	1.15	2.10
February 1941...	16,568.25	5" N & S...	1.15	2.10
March 1941...	15,976.45	5" N & S...	1.15	2.10
Total.....	141,074.75			

II. Section 4 Part II (e) and (g) of the Act Part II (e) and (g) of the Code

By selling and delivering through its sales agent, the Costanzo Coal Mining Company, to the Crescent Brick Company at New Cumberland, West Virginia, f. o. b. the plant of said Crescent Brick Company located at New Cumberland, West Virginia, substantial quantities of coal produced at said Three Springs #1 and #2 Mines, or either of them, below the effective minimum prices established therefor as set forth in the Schedule of Effective Minimum Prices for District No. 6 for Truck Shipments, and by failing to add to said f. o. b. mine prices an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to the plant of the Crescent Brick Company at New Cumberland, West Virginia, as required by Price Instruction No. 6 in said Schedule, as amended in Supplement No. 1, as follows:

Month	Tonnage	Size	Sales price f. o. b. New Cumberland plant	Effective minimum price f. o. b. mine
October 1940...	243.30	1 1/4" x 4" egg...	\$1.75	\$2.20
	123.10	1 1/4" lump...	1.75	2.20
	12.05	2" x 4" egg...	1.75	2.25
	146.25	1 1/4" x 4" egg...	2.15	2.20
	6.15	2" lump...	1.75	2.50
	584.95	4" lump...	2.15	2.65
	182.00	2" x 4" egg...	2.15	2.25
November 1940...	86.15	1 1/4" x 4" egg...	1.75	2.20
	119.90	1 1/4" lump...	1.75	2.20
	29.25	2" x 4" egg...	1.75	2.25
	6.05	4" lump...	1.75	2.65
	149.15	1 1/4" x 4" egg...	2.15	2.20
	333.05	1 1/4" lump...	2.15	2.20
	5.75	2" lump...	2.15	2.50
	202.05	2" x 4" egg...	2.15	2.25
December 1940...	523.30	4" lump...	2.15	2.65
	134.20	1 1/4" x 4" egg...	1.75	2.20
	66.50	1 1/4" lump...	1.75	2.20
	40.35	2" x 4" egg...	1.75	2.25
	12.70	2" lump...	1.75	2.50
	45.95	2" x 5" egg...	1.75	2.25
	380.70	1 1/4" x 4" egg...	2.15	2.20
	254.15	1 1/4" lump...	2.15	2.20
	153.75	2" x 4" egg...	2.15	2.25
	105.40	2" lump...	2.15	2.50
	93.45	2" x 5" egg...	2.15	2.25
	708.10	4" lump...	2.15	2.65
January 1941...	84.55	5" lump...	2.15	2.65
	53.90	1 1/4" lump...	1.75	2.20
	70.60	2" x 4" egg...	1.75	2.25
	222.85	2" x 5" egg...	1.75	2.25
	5.70	5" lump...	1.75	2.65
	408.45	1 1/4" lump...	2.15	2.20
	274.10	2" x 4" egg...	2.15	2.25
	693.95	2" x 5" egg...	2.15	2.25
	499.50	4" lump...	2.15	2.65
	238.60	5" lump...	2.15	2.65
February 1941...	42.95	1 1/4" lump...	1.75	2.20
	12.20	5" lump...	1.75	2.65
	236.00	2" x 5" egg...	1.75	2.25
	599.75	1 1/4" lump...	2.15	2.20
	166.75	5" lump...	2.15	2.65
	1,047.65	2" x 5" egg...	2.15	2.25
March 1941...	36.95	1 1/4" lump...	1.75	2.20
	181.25	2" x 5" egg...	1.75	2.25
	403.20	1 1/4" lump...	2.15	2.20
	400.70	2" x 5" egg...	2.15	2.25
	388.20	5" lump...	2.15	2.65
Total.....	10,812.60			

III. Order in General Docket No. 19 Dated October 9, 1940

By selling, through its sales agent, the Costanzo Coal Mining Company, substantial quantities of coal produced at said Three Springs #1 and #2 mines, or either of them, to the Toronto Paper Company for delivery at its Toronto, Ohio, Plant as follows:

Month	Tonnage	Size	Sales price f. o. b. Toronto Paper Co.
October 1940.....	499.25	1 1/4" slack.....	\$1.95
November 1940.....	3,603.45	1 1/4" slack.....	1.95
December 1940.....	576.00	1 1/4" slack.....	1.95
January 1941.....	555.70	2" N&S.....	1.95

Said coal was delivered by truck from the mines to the Ohio River, dumped in barges, and transported to Toronto, Ohio, and loaded into trucks and carried a distance of 0.6 of a mile to the bins of said consumer. The above transactions constituted violations of the Order in General Docket No. 19, dated October 9, 1940, in that minimum prices, temporary or final, for shipments in the above-described manner had not been established by the Division for said mines.

IV. Order in General Docket No. 19 Dated October 9, 1940

By selling, through its sales agent, the Costanzo Coal Mining Company, substantial quantities of coal produced at said Three Springs #1 and #2 mines, or either of them, as follows:

Consumer	Month	Tons	Size	Delivered price f. o. b. purchaser's facilities at which sold
Peerless Clay Co.....	December 1940.....	834.43	2" x 5".....	\$2.35
Peerless Clay Co.....	January 1941.....	766.80	2" x 5".....	2.40
Union Clay Co.....	October 1940.....	50.74	2" x 5".....	2.40
Stratton Fire Clay Co.....	October 1940.....	37.71	2" x 5".....	2.40
Stratton Fire Clay Co.....	November 1940.....	41.79	2" x 5".....	2.40
Stratton Fire Clay Co.....	December 1940.....	28.71	2" x 5".....	2.55
Dando Brick Co.....	December 1940.....	184.55	2" x 5".....	2.55
Dando Brick Co.....	January 1941.....	205.38	2" x 5".....	2.55
Total.....		2,150.11		

Said coal was delivered by truck from the mines to the Ohio River, dumped into barges, transported to Port Homer, Ohio, loaded into trucks, transported approximately 1/4 of a mile to storage and from storage delivered by truck to the purchasers shown above. The above transactions constituted violations of the Order in General Docket No. 19, dated October 9, 1940, in that minimum prices, temporary or final, for shipments in the above-described manner had not been established by the Division for said mines.

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3514; Filed, April 21, 1942;
11:02 a. m.]

[Docket No. 1704-FD]

IN THE MATTER OF SANDY VALLEY COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A complaint dated June 2, 1941, in the above-entitled matter, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 11, 1941, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging that the defendant willfully violated the provisions of the Bituminous Coal Code (the "Code"), and

rules and regulations issued thereunder; and

An Order having been entered hereon on March 27, 1942, revoking and cancelling the code membership of Sandy Valley Coal Company; and

Said Order of Revocation and Cancellation having been duly served on Sandy Valley Coal Company on April 2, 1942; and

Sandy Valley Coal Company having, on April 13, 1942, filed with the Division, its application for restoration of its code membership; and

It appearing from said application that Sandy Valley Coal Company on April 6, 1942, paid to the Collector of Internal Revenue, Cleveland, Ohio, the sum of \$738.56, provided in said Order dated March 27, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of Sandy Valley Coal Company, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of its code membership, be, and the same hereby is, granted.

It is further ordered, That said restoration of the code membership of Sandy Valley Coal Company shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: April 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3515; Filed, April 21, 1942;
11:03 a. m.]

[Docket Nos. A-1359, A-1132]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISIONS OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 5 IN DISTRICT NO. 14, AND PETITION OF DISTRICT BOARD NO. 14, FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 511, OPERATED BY PARIS PURITY COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 14

MEMORANDUM OPINION AND ORDER CONCERNING CERTAIN MOTIONS FILED BY PARIS PURITY COAL COMPANY, INC., AND NOTICE OF AND ORDER FOR FURTHER HEARING IN DOCKET NO. A-1132

An Order of the Acting Director was entered on March 13, 1942, to become effective March 28, 1942, in Docket No. A-1132, revising certain effective price classifications and minimum prices as requested by District Board No. 14 in that proceeding for the coals produced at Mine Index No. 511, operated by Paris Purity Coal Company, Inc., a code member in District No. 14.

On March 26, 1942, Paris Purity Coal Company, Inc., intervenor, filed a motion requesting 15 days extension of time in which to file a Motion for Further Hearing, Rehearing and Reconsideration and requesting that the effective date of the Acting Director's Order of March 13, 1942, in Docket No. A-1132 be stayed pending a decision on such motion.

The Acting Director on March 27, 1942, issued an Order Suspending the Effective Date of the Order dated March 13, 1942, and granted the Paris Purity Coal Company, Inc., a period of one week from March 27, 1942, within which to file its motion for further hearing.

The Paris Purity Coal Company, Inc., on April 3, 1942, filed with the Division its Motion for Further Hearing, Rehearing and Reconsideration of the Director's Order. The same intervenor on April 7, 1942, filed a Motion to Intervene and Consolidate for Hearing Docket Nos. A-1359 and A-1132 requesting that the consolidated hearing in the above-entitled dockets be held in Washington, D. C. and on April 16, 1942, filed a Motion to Continue Docket No. A-1359 averring that intervenor had been unable to prepare its case in that matter because the Acting Director had not disposed of the motions theretofore filed by it in Docket Nos. A-1132 and A-1359.

District Board No. 14, original petitioner in both of the above entitled matters, on April 1, 1942, filed a Response opposing the granting of the motion for rehearing and on April 13, 1942, filed a Response to the Motion of the Paris Purity Coal Company, Inc., to Intervene and Consolidate for Hearing Docket Nos. A-1359 and A-1132.

The Acting Director has fully considered these motions and responses thereto filed in Docket No. A-1132 and the motions of the Paris Purity Coal Company, Inc. to intervene and become a party in Docket No. A-1359, to consolidate that proceeding for hearing with Docket No.

A-1132 and for a continuance in Docket No. A-1359.

The Motion of the Paris Purity Coal Company, Inc., for a rehearing of Docket No. A-1132, alleges, among other things, that the intervenor has not had a full and fair hearing in that proceeding and that the Findings of the Acting Director and his Order dated March 13, 1942, are prejudicial to the rights and interests of the intervenor and that the hearing should be reopened in order to permit the Paris Purity Coal Company, Inc., to present further evidence.

District Board No. 14 in its opposition to intervenor's motion for rehearing contends that intervenor has had a full and fair hearing and has been afforded every opportunity to introduce and present evidence in support of its case in opposition to the relief prayed for by petitioner.

It is noted that intervenor alleges, and petitioner denies, that intervenor's failure to appear at the hearing in Docket No. A-1132, which was held in Washington, D. C., on December 8, 1941, was due to the fact that intervenor relied upon the advice of the attorney for District Board No. 14 to the effect that further testimony would not be presented at the hearing in Washington, D. C., and that the only evidence in the proceeding would be the testimony of witnesses, both for the petitioner and intervenor, theretofore taken by deposition at Fort Smith, Arkansas.

Without passing upon the merits of these contentions but out of an abundance of caution, I shall order the hearing in Docket No. A-1132 reopened in order to afford Paris Purity Coal Company an opportunity to introduce any additional relevant evidence in its possession. Of course, any other party may also participate and introduce additional evidence in the reopened hearing.

The motion filed by Paris Purity Coal Co., Inc., for a consolidation of the hearings in Docket Nos. A-1359 and A-1132 does not present persuasive facts to prove that the two dockets involve similar issues of fact, nor that such a consolidation would save time, avoid inconvenience, and not prejudice the interests of other parties to those proceedings. Indeed, it appears that the two matters involve separate and distinct issues of fact and that a consolidation thereof for hearing would serve no useful purpose. Accordingly, I am of the opinion therefore that the motion to consolidate Docket Nos. A-1359 and A-1132 for hearing should be denied. However, the motion to intervene will be considered as a petition of intervention in Docket No. A-1359. Similarly, and for the same reasons, I am of the opinion that the Motion to Continue in Docket No. A-1359 should likewise be denied.

Now, therefore, it is ordered, That the hearing in Docket No. A-1132 held on December 8, 1941, be, and it hereby is, reopened for the purpose of receiving additional evidence relevant to the issues presented by the original petition.

It is further ordered, That the reopened hearing in Docket No. A-1132

under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on May 26, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the reopened hearing in Docket No. A-1132. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

It is further ordered, That the Motion of the Paris Purity Coal Company, Inc., to consolidate for hearing Docket Nos. A-1359 and A-1132 be, and it hereby is, denied.

It is further ordered, That the Motion to Continue filed by the Paris Purity Coal Co., Inc., in Docket No. A-1359 be, and it hereby is, denied.

Dated: April 18, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3516; Filed, April 21, 1942; 11:03 a. m.]

[Docket No. A-554]

PETITION OF REPUBLIC COAL COMPANY, A PRODUCER IN DISTRICT NO. 4 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES OF COAL IN SIZE GROUP 8

MEMORANDUM OPINION AND ORDER OF DISMISSAL

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed on January 7, 1941, with the Bituminous Coal Division by the Republic Coal Company, a code member producer in District No. 4, requesting revision of the effective minimum prices established for certain of the coals of its Senior Mine, Mine Index No. 1948. Pursuant to the provisions of § 301.106 of the Rules and Regulations Governing Practice and Procedure in 4 II (d) Cases and pursuant to due notice to all interested persons, an informal conference concerning the prayer for temporary relief was called for January 27, 1941. The petitioner failed to appear. The conference was closed.

Pursuant to an Order of the Acting Director dated January 21, 1941, a hearing in this matter was scheduled to be held on February 21, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room of the Division at Washington, D. C. Although the petitioner was notified by registered

mail and by publication in the **FEDERAL REGISTER** that a hearing had been scheduled, it failed to appear and did not thereafter indicate that it had any further interest in the matter.

Accordingly, pursuant to an Order of the Acting Director to show cause why the petition should not be dismissed dated January 28, 1942, a hearing was held on February 24, 1942, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C. District Board No. 4 appeared and the representative of the Board stated that as yet no copy of the petition in the proceeding had been served upon it. The petitioner did not appear and no evidence was introduced. The motion of the General Counsel to dismiss was referred by the Examiner to the Acting Director for disposition. The hearing was closed subject to the further order of the Acting Director. In the circumstances I conclude that the motion to dismiss should be allowed.

Now, therefore, it is ordered, That the petition filed herein by the Republic Coal Company, a code member in District No. 4, be and hereby is dismissed.

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3517; Filed, April 21, 1942;
11:04 a. m.]

[Docket No. A-1387]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF THE TIPPLE OF THE NEW HOPE MINE (MINE INDEX NO. 63) AT LATTI, INDIANA, AS A TEMPORARY SHIPPING POINT FOR THE COALS OF THE TEMPLETON NO. 4 MINE (MINE INDEX NO. 184) OF THE LINTON-SUMMIT COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party alleging that the Templeton No. 4 Mine, Mine Index No. 184, shipping points Latta, Indiana, via the CMST&P Railroad and Linton, Indiana, via the Pennsylvania Railroad, of the Linton-Summit Coal Company, Incorporated, a Code Member in District No. 11, is a new operation, that the afore-mentioned code member is now constructing a washery at the tipple of this mine and that due to difficulties caused by priority regulations in securing equipment for completion of its washery, the code member cannot wash coals at its tipple for several weeks. The petition requests the issuance of an order permitting the code member to wash coals from the above-mentioned mine at the washery of the New Hope Mine, Mine Index No. 63, operated by the Linton-Summit Coal Company, Inc., shipping point, Latta, Indiana, Freight Origin Group No. 61, and ship the coals therefrom at the same adjustments for differences in freight rates as heretofore established for the New Hope Mine.

Shipping points at Latta, Indiana via the CMST&P Railroad have already been established for the coals of Mine Index No. 184 in Docket A-1243, so that price classifications and minimum prices are already established for the coals of this mine.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth.

No petitions of intervention have been filed with the Division in the above-entitled matter.

The following action is deemed necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter temporary relief is granted as follows:

Commencing forthwith and continuing for a period of 120 days from the date of this Order, coals produced from the Templeton #4 Mine, Mine Index No. 184, may be washed at the washery of the New Hope Mine (Mine Index No. 63), of the Linton-Summit Coal Company, Inc., shipped over the tipple of that mine from Latta, Indiana, and accorded the same adjustments for differences in freight rates as heretofore established for the New Hope Mine.

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3518; Filed, April 21, 1942;
11:04 a. m.]

[Docket No. B-14]

IN THE MATTER OF ROY C. ELLIS (ROY C. ELLIS MINING COMPANY), CODE MEMBER

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND CEASE AND DESIST ORDER

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on August 22, 1941 by the Bituminous Coal Producers Board for District No. 12, alleging that Roy C. Ellis (Roy C. Ellis Mining Company), a code member in District No. 12, has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel or revoke the defendant's code membership or in its discretion, direct the code member to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been filed before Joseph D. Dermody, a duly designated Examiner of the Division at a hearing room thereof in Oskaloosa, Iowa, on November 29, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter, dated March 7, 1942, in which it was recommended that an order be entered directing the code member to cease and desist

from violating the Act, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, the Code and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

Now, therefore it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is further ordered, That the code member, Roy C. Ellis (Roy C. Ellis Mining Company), its representatives, agents, servants, employees, attorneys, and successors or assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor and from violating the Bituminous Coal Act, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, the Bituminous Coal Code and the rules and regulations thereunder:

It is further ordered, That the Division may upon failure of the code member herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the code member carries on business for the enforcement thereof or take any other appropriate action.

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3519; Filed, April 21, 1942;
11:05 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF AVAILABILITY FOR EXAMINATION OF ECONOMIC REPORT ON INQUIRY INTO WAGES, HOURS AND OTHER CONDITIONS AND PRACTICES OF EMPLOYMENT OF RED CAPS, AND FOR THE FILING WITH THE DIVISION OF (1) BRIEFS RESPECTING THE RECORD OF, OR REPORT ON SAID INQUIRY AND (2) RECOMMENDATIONS ON QUESTIONS REFERRED TO IN SENATE RESOLUTION

Whereas Senate Resolution 105, adopted by the United States Senate on May 15, 1941, directed the Administrator of the Wage and Hour Division of the United States Department of Labor, or his designated representatives, to undertake immediately inquiry into the wages, hours and other conditions and practices of employment of red caps by railroad or terminal companies in view of the minimum wage requirements of

the Fair Labor Standards Act of 1938, under his investigatory powers under said act; and

Whereas pursuant to said resolution and notice duly given, hearings were held and evidence received in the record including evidence pursuant to investigations conducted by the Wage and Hour Division as a part of said inquiry, and;

Whereas an economic report of such inquiry has been prepared by the Research and Statistics Branch of the Wage and Hour Division;

Now, therefore, notice is hereby given that:

(1) Copies of the full record of said inquiry as well as copies of the report thereon are available for examination by any interested parties in the offices of the Wage and Hour Division, Room 1303, 165 West 46th Street, New York, New York;

(2) The Administrator of the Wage and Hour Division will receive briefs on or before May 15, 1942, and will receive reply briefs on or before June 1, 1942, on the record of said inquiry and the report on said inquiry, including recommendations on the questions referred to the Administrator by said Senate Resolution 105. Twelve copies of each brief shall be submitted to L. Metcalfe Walling, Administrator, Wage and Hour Division, Room 1303, 165 West 46th Street, New York, New York, attention of Harry Weiss, Acting Director, Research and Statistics Branch. Copies of briefs and reply briefs so submitted shall be available at said place for examination immediately upon receipt by the Administrator.

Signed at New York, N. Y., this 20th day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3507; Filed, April 21, 1942;
10:09 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4677]

IN THE MATTER OF WALTER H. JOHNSON
CANDY COMPANY, A CORPORATION

AMENDED COMPLAINT AND NOTICE OF HEARING

The Federal Trade Commission, having reason to believe that Walter H. Johnson Candy Company, a corporation, hereinafter more particularly designated and described as respondent, since June 19, 1936, has violated and is now violating the provisions of section 2 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", approved October 15, 1914, popularly known as the Clayton Act, as amended by Act approved June 19, 1936, known as the Robinson-Patman Anti-Discrimination Act (U.S.C. Title 15, section 13 as amended), hereby issues its amended complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, Walter H. Johnson Candy Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois with its office and principal place of business located at 341 West Superior Street in the City of Chicago, in said State.

Said respondent at all times herein-after mentioned has been engaged in the business of manufacturing, selling and distributing confectionery products, including principally candy bars sold in wrappers under the trade names, "Heavyweight Champ", "Big Bonus", and "Power House." Said products are generally sold in 24-count packages and 100-count packages.

PAR. 2. Respondent, in the course and conduct of its said business, sells its said confectionery products to confectionery jobbers and distributors of candy vending machines located in the various states of the United States and causes substantial quantities of said products, when sold, to be shipped and transported from its place of business in the State of Illinois across state lines to the respective purchasers thereof located in states other than the State of Illinois and in the District of Columbia. Said respondent sells and delivers substantial quantities of its said products to one of its customers, namely, Automatic Canteen Company of America, located in the City of Chicago, engaged in the business of leasing candy vending machines to various distributors, and the sale on a jobbing basis of various candy products to such distributors, which said products are intended to be, and are, thereafter distributed by said customer throughout the several states of the United States to the consuming public through candy vending machines leased by the said customer. In many instances respondent has delivered said confectionery products directly to agencies or distributors and lessees of said Automatic Canteen Company of America located in various states of the United States.

Respondent, in the course and conduct of its said business since June 19, 1936, has been and now is engaged in competition with other persons, firms and corporations who manufacture, sell and distribute similar confectionery products to jobbers and owners and operators of candy vending machines located in the various states of the United States and the District of Columbia.

PAR. 3. Said respondent, in the course and conduct of its said business, sells large quantities of its confectionery products to persons, firms and corporations engaged in the distribution of said products to the consuming public through the medium of candy vending machines located in such places as moving picture theaters, restaurants, news stands, filling stations, garages and industrial plants. One such customer, the said Automatic Canteen Company of America, owns approximately 100 thousand such automatic vending machines through which in one year more than 200 million candy bars were vended, of which number approximately one million bars were manufactured by respondent. Candy vending machine distributors compete actively with each other in efforts to obtain locations for their machines and in the distribution of the confectionery products sold them by the respondent and other manufacturers.

PAR. 4. Respondent, in the course and conduct of its said business since June 19, 1936, has discriminated in price between different purchasers of confectionery products by selling said products, partic-

ularly candy bars, of like grade, quality and weight, at the same time at different prices to competitive candy vending machine distributors located in the same trade areas. One or more of the purchases involved in such discrimination were in commerce and such commodities were sold for use, consumption, or resale within the United States or the District of Columbia. For instance, respondent usually sold "Heavyweight Champ" candy bars in 100-count packages to candy vending machine distributors in the same trade area at a delivered price of \$2.50, two percent discount for cash. At the same time, respondent has sold such products to other similar customers in the same trade area at delivered prices of \$2.40 and \$2.25 with the same discount for cash, and to one such customer, the said Automatic Canteen Company of America, respondent sold such products at a delivered price of \$2.03 with the same discount for cash.

PAR. 5. In or near many of the places in which customers or lessees of customers of the respondent operate candy vending machines dispensing confectionery products manufactured and sold by respondent as aforesaid are also located candy counters operated by retailers at which similar confectionery products sold by respondent through candy jobbers as aforesaid, are sold to the consuming trade by competitors of the said candy vending machine operators. Respondent, in the course and conduct of its said business since June 19, 1936, at the same time it was selling confectionery products to candy vending machine distributors mentioned in Paragraph Four hereof, has discriminated in price between different purchasers of said products by selling in the same trade areas confectionery products of like grade, quality and weight at a higher delivered price to said jobbers supplying confectionery retailers and candy vending machine operators competitive with some of said candy vending machine operators, lessees of candy machine distributors. For instance, said respondent has sold "Heavyweight Champ" candy bars in 24-count packages at a delivered price of sixty-four cents, two per cent discount for cash, to jobbers supplying candy vending machine operators and other confectionery retailers located in the same trade areas as the lessees of the said Automatic Canteen Company of America operated their vending machines and dispensed "Heavyweight Champ" bars which were sold by respondent to the said Automatic Canteen Company of America in 100-count packages at a delivered price of \$2.03, two per cent discount for cash.

PAR. 6. The effect of the said discriminations in price alleged in Paragraphs Four and Five hereof has been and may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which said respondent is engaged as hereinbefore set forth in Paragraph One, and to injure or prevent competition between respondent and its said competitors and between certain of respondent's customers who receive the benefit of such discriminations and their competitors.

Said discriminations in price between different purchasers of commodities of

like grade and quality in interstate commerce in the manner and form hereinbefore set forth are in violation of the provisions of subsection (a) of section 2 of the said Clayton Act, as amended by the Robinson-Patman Act, more fully described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 17th day of April, A. D. 1942, issues its amended complaint against said respondent.

Notice

Notice is hereby given you, Walter H. Johnson Candy Company, a corporation, respondent herein, that the 22nd day of May, A. D. 1942, at 2 o'clock in the afternoon is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this amended complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the amended complaint.

You are notified and required, on or before the twentieth day after service upon you of this amended complaint, to file with the Commission an answer to the amended complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contend the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve find-

ings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its amended complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 17th day of April, A. D. 1942.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3508; Filed, April 21, 1942;
10:57 a. m.]

[Docket No. 4612]

IN THE MATTER OF LASHER'S SILK MANUFACTURING COMPANY, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41),

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, April 28, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Hearing Room, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3509; Filed, April 21, 1942;
10:57 a. m.]

IN THE MATTER OF INCOME AUDIT SERVICE CORPORATION, A CORPORATION AND FRANK H. HIBBERD, INDIVIDUALLY AND AS AN OFFICER OF SAID INCOME AUDIT SERVICE CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 18th day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, April 29, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Hearing Room, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3510; Filed, April 21, 1942;
10:57 a. m.]

[Docket No. 4727]

IN THE MATTER OF NEW YORK HANDKERCHIEF MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 8, 1942, at ten o'clock in the forenoon of that day (Central Standard Time), in the Hotel Sherman, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3511; Filed, April 21, 1942;
10:58 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Notice No. 1]

EXCEPTIONS GRANTED TO MACHINERY MANUFACTURERS

The Office of Price Administration has requested manufacturers of many types of machinery and related equipment not

to increase prices. Each manufacturer was advised that an application for an exception would be considered if the maintenance of the requested prices resulted in undue hardship. A number of applications for exception, accompanied by supporting data, have been received and exceptions have been granted by letter to some manufacturers as follows:

Manufacturer	Product	Maximum price
American Brake Shoe & Foundry Co., Kellogg Division, Rochester, N. Y.	Pumps and compressors.....	Dec. 31, 1941, prices.
Atley Truss Wheel Co., Chicago, Ill.	D4 Mobil Loader.....	\$3,000.00.
Beaumont Iron Works, Beaumont, Tex.	Oil field drilling and pumping equipment.....	Mar. 30, 1942, prices.
Berlin Chapman Co., Berlin, Wis.	Canning machinery parts and sub-assemblies when sold to F. G. Dickerson Co.	Mar. 3, 1942, prices.
Burch Corporation, The, Crestline, Ohio	Force feed spreaders.....	Feb. 10, 1942, prices.
Carling Turbine Blower Co., Worcester, Mass.	Steam turbines and blowers.....	Feb. 15, 1942, prices.
Cavins Co., The, Long Beach, Calif.	Oil well clean-out tools.....	Jan. 1, 1942, prices.
Cleveland Tractor Co., Cleveland, Ohio	Non-agricultural tractors.....	Oct. 24, 1941, prices.
Culligan Zeolite Co., Northbrook, Ill.	Water-softening equipment, models Nos. 200, 201, 202, 203, 204, 205, 206, 207, and 208.	Mar. 1, 1942, prices.
Davis Instrument Mfg. Co., Baltimore, Md.	No. 1 model blasting machine.....	Oct. 1, 1941, prices plus \$3.51 per unit.
Dayton Pump & Mfg. Co., Dayton, Ohio	No. 0 model blasting machine.....	\$30.00.
Eagle Signal Corporation, Boston, Mass.	Standard gasoline computing pump.....	\$100.00.
Economy Governor Co., Anderson, Ind.	Chronoflex timers.....	Jan. 1, 1942, price sheets Nos. 266-4A, 267-4A, 268-4A.
Ess Instrument Co., Fort Lee, N. J.	Governors.....	Nov. 3, 1941, prices.
William A. Force & Co., New York, N. Y.	Smoke density indicator, model SR-6.....	\$135.00.
Ford Motor Co., Dearborn, Mich.	Combustion indicator, model H OI-58.....	\$225.00.
	Smoke detector, model SCL-58.....	\$145.00.
	Smoke alarm model SMA-1.....	\$75.00.
	Standard typographical numbering machines.....	Oct. 1, 1941, prices except quantity discount on 6 or more reduced to 5%.
	No. 21-A-6005 engine less clutch and transmission.....	\$255.00.
	No. 22-A-6005 engine less clutch and transmission.....	\$275.00.
	No. 2-GA-6005 engine less clutch and transmission.....	\$330.00.
	No. ONY-6005 engine less clutch and transmission.....	\$255.00.
A. C. Gilbert Co., New Haven, Conn.	B141 drill with new style chuck.....	\$8.50.
Gleason-Avery, Inc., Auburn, N. Y.	Automatic temperature regulator.....	\$9.45.
Harding Wonder Drill Co., Ottumwa, Iowa	Portable compressor, model LWC, 60 ft. oil field equipment.....	\$875.00.
Hercules Tool Co., Tulsa, Okla.	Industrial wheel tractors.....	\$1,365.00.
International Harvester Co., Inc., Chicago, Ill.	Single unit compound high vacuum pump, 1 cu. ft. per min.	Oct. 15, 1941, prices.
International Machinery Works, North Bergen, N. J.	Factory hand trucks, models Nos. 22, 121, 22, 122, H.....	Oct. 20, 1941, prices.
Ingersoll Machine & Foundry Co., Inc., North York, N. Y.	Type 400 journal box dust guards—4 1/2 x 8.....	\$30.00.
George O. Jenkins Co., Bridgewater, Mass.	Type 400 journal box dust guards—4 1/2 x 8.....	75¢.
	Type 400 journal box dust guards—5 1/2 x 10.....	\$1.94.
	Type 400 journal box dust guards—5 1/2 x 11.....	97¢.
	Type 400 journal box dust guards—6 x 11.....	115¢.

Manufacturer	Product	Maximum price
Kobe Inc., Huntington Park, Calif.	Hydraulic oil well pumps.....	Nov. 15, 1941, prices.
Labor Oil Co., Los Angeles, Calif.	Air balance pump units.....	Nov. 15, 1941, prices.
Leplan-Chouteau Mfg. Co., Inc., Cedar Rapids, Iowa	Model CW-10 scraper.....	\$3,980.00.
Lithron Engine Co., Mystic, Conn.	Diesel engine type D-80.....	\$3,505.21.
Marine-Decker Corporation, Long Beach, Calif.	Oil field instruments and indicators.....	Oct. 15, 1941, prices.
Middlesex Mfg. Co., Medford, Mass.	No. 200 "M"—24 in. shoe rack.....	\$6.80.
	No. 4112 "M"—12 in. shoe rack.....	\$9.844.
	No. 200 "M"—12 in. shoe rack.....	\$3.315.
Mission Mfg. Co., Houston, Tex.	Oil well plug valves.....	Mar. 30, 1942, prices.
Morley & Jones, Ltd., Los Angeles, Calif.	Mechanical instruments.....	Nov. 25, 1941, prices.
Nason Co., Detroit, Mich.	Liquid level gages, small valves and other mechanical instruments.....	Oct. 15, 1941, prices.
Page Engineering Co., Chicago, Ill.	Special size automatic buckets, models "RM-S", "RC-S", "RM", "RC", "RH", "RC".....	Oct. 10, 1941, prices.
Reinier Water Softening Co., Los Angeles, Calif.	Water-softening equipment models J1, J2, J3, J6, J10, DS2, DS3, DS6, DS10, DM6, DM10, Portable.....	Dec. 1, 1941, prices.
Ring Balance Instrument Co., Chicago, Ill.	Standard ring balance integrating and recording flow meters.....	Dec. 1, 1941, prices.
Rochester Mfg. Co., Rochester, N. Y.	Model PB pressure gage.....	39¢.
John L. Stortz Co., Watertown, N. Y.	Inclinator thermometers. Zero to 80° C.....	\$8.50 per dozen.
Swedish Gage Co. of America, Detroit, Mich.	Special stirring rod thermometers.....	\$39.00 per gross.
Uniflow Mfg. Co., Erie, Pa.	Mikrokalor heads and internal indicators.....	Oct. 6, 1941, prices.
U. S. Shding Machine Co., La Porte, Ind.	Water softeners.....	Dec. 1, 1941, prices.
B. G. Wright Co., Buffalo, N. Y.	Meat and bread slicers.....	Jan. 1, 1942, prices.
	"Triton" milk-bottle washer, 4-wide model.....	\$1,500.00.
	"Triton" milk-bottle washer, 6-wide model.....	\$1,600.00.

The maximum price for any such product is the price listed less all applicable discounts and allowances.

Exceptions have also been granted to the following manufacturers of motors and generators and industrial control permitting them to use their October 1, 1941 prices and the Optional Discount Schedule set forth in Exhibit "A" attached hereto:

Allis-Chalmers Manufacturing Co., Milwaukee, Wis.	Allys, Louis, Co., The, Milwaukee, Wis.
Century Electric Co., St. Louis, Mo.	Clark Controller Co., Cleveland, Ohio.
Cutler-Hammer, Incorporated, Milwaukee, Wis.	Electric Controller & Manufacturing Co., Cleveland, Ohio.
Electric Machinery Manufacturing Co., Minneapolis, Minn.	Elliott Co., Jeannette, Pa.
General Electric Co., Schenectady, N. Y.	

Fairbanks, Morse & Co., Chicago, Ill.	Howell Electric Motors Co., Howell, Mich.
Imperial Electric Co., Akron, Ohio.	Master Electric Co., Dayton, Ohio.
Reliance Electric & Engineering Co., Cleveland, Ohio.	Robbins & Myers, Incorporated, Springfield, Ohio.
Square D Co., Milwaukee, Wis.	U. S. Electrical Motors, Inc., Los Angeles, Calif.
Wagner Electric Corporation, St. Louis, Mo.	Westinghouse Electric & Manufacturing Co., East Pittsburgh, Pa.

The Price Administrator hereby confirms the granting of these exceptions. Issued this 16th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3503; Filed, April 20, 1942; 5:00 p. m.]

* Filed as part of the original document.